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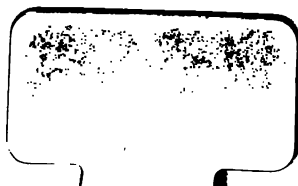
EPISCOPACY IN SCOTLAND.  

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REVISED REPORT  
OF THE  
DEBATE IN THE HOUSE OF LORDS.



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EPISCOPACY IN SCOTLAND.

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REVISED REPORT

OF THE

DEBATE IN THE HOUSE OF LORDS,

MAY 22, 1849.

ON THE OCCASION OF

THE RIGHT HONOURABLE THE LORD BROUGHAM PRESENTING A PETITION  
FROM MEMBERS OF THE UNITED CHURCH OF ENGLAND AND  
IRELAND RESIDENT IN SCOTLAND;

ALSO

ORIGINAL LETTERS

FROM SEVERAL ENGLISH PRELATES;

WITH

AN APPENDIX

CONTAINING AN

EXAMINATION OF THE MORE IMPORTANT STATEMENTS ADVANCED  
IN THE DEBATE; AND A VERBATIM COPY OF THE  
PETITION.



LONDON:

J. HATCHARD AND SON, 187, PICCADILLY.

1849.

**LONDON :**

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# CONTENTS.

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## THE DEBATE.

Speech of Lord Brougham	1—18
The Bishop of Salisbury	18—34
The Archbishop of Canterbury	34—35
The Bishop of Worcester	35—36
Lord Brougham	37
The Duke of Argyll	37—43
The Bishop of Exeter	43—58
The Bishop of Cashel	58—67
The Earl of Minto	67—68
The Bishop of Exeter	68
The Duke of Buccleuch	68—70
Lord Brougham	70
The Bishop of Oxford	71—77
The Bishop of Worcester	77
The Earl of Harrowby	77—83
The Earl of Powis	83—84
The Earl of Galloway	84—88
Lord Brougham's reply	88—96

ORIGINAL LETTERS FROM ENGLISH PRELATES	97—104
APPENDIX CONTAINING NOTES ON THE DEBATES	105—232
VERBATIM COPY OF THE PETITION	233—244



Among the Prelates in the House during some part of the Debate were the following :—

**THE ARCHBISHOP OF CANTERBURY.**

” ” **YORK.**

” ” **DUBLIN.**

**THE BISHOP OF SALISBURY.**

” **WORCESTER.**

” **EXETER.**

” **CASHEL.**

” **OXFORD.**

” **NORWICH.**

” **HEREFORD.**

” **MANCHESTER.**

” **ST. ASAPH.**

” **GLOUCESTER AND BRISTOL.**

” **MEATH.**

## P R E F A C E.

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THE year 1688—the era of the Revolution—witnessed in Scotland the establishment of the Presbyterian Church. The bishops were then deprived of their temporalities and of all territorial or diocesan authority. Episcopalians were subsequently compelled, in consequence of hardships, to apply to Parliament for relief, and they obtained, in the tenth year of the reign of Queen Anne, an Act for the toleration of their worship. A few congregations, under the sanction of this law, remained voluntarily subject to the deprived bishops, whilst others preferred and procured the ministrations of clergymen from the Church of England or Ireland. Scotch bishops could no longer enforce jurisdiction. Thus did two distinct bodies of Episcopalians avail themselves of the Act of Queen Anne, and, with various fluctuations in their relative position, they have continued distinct from each other to the present day.

In 1746-48, it was enacted that Episcopalian congregations of more than five people should not assemble except under the ministry of clergymen ordained either by an English or an Irish bishop; and this penal law—for such it was in its effects upon the party who adhered to the Scotch bishops—continued in full force until 1792. During this period of forty-six years the “English chapels” multiplied and prospered.

The penal enactments were occasioned by the Scottish Episcopal clergy having become involved in the rebellion of 1745 by espousing the cause of Charles Edward Stuart, the Pretender. This individual died at Rome in 1788, and the Scotch bishops, considering themselves now at liberty to swear allegiance to the family of Brunswick, communicated their intentions of loyalty to the Secretary of State, and immediately an effort was commenced to obtain a removal of their ecclesiastical disabilities. They approached the British legislature with the assurance that, in seeking parliamentary relief, they desired only to be placed on the same footing of religious toleration as was enjoyed in Scotland by the clergy of English or Irish orders. In 1792 the Act of relief was granted. And the next great design of the Scotch bishops was to bring under their own superintendence *all* the Episcopal chapels throughout the country.

As, however, the English chapels were protected by the Act of Queen Anne, and as the Scotch bishops did not derive from the Act of 1792 any *jurisdiction*, but merely *toleration*, the amalgamation of the two distinct Episcopalian bodies could be realized only by its desirableness being felt on both sides. Hence Dr. Porteus, the Bishop of London, whilst writing on the subject in 1804, said:—"As it can only be effected by the full and free consent of both parties, as neither the one nor the other can possibly be forced into it, *the only means that can or ought to be used to bring it about*, are argument, persuasion, christian charity, and christian forbearance; abstaining carefully from all harsh language and *invidious names*, which tend only to irritate and provoke and to widen the breach instead of healing it." After the lapse of a few years there were only two or three chapels that maintained their original position, and it must be admitted that the union of all the Episcopalians, specified by the Act of Queen Anne, would have been completed, if the

Scotch bishops had not involved themselves in the unwise proceedings which ultimately led to an extended dismemberment of their body.

In 1840, the Scottish Episcopal Church obtained another Act of Parliament. This Act does not in the slightest degree alter the position previously occupied in *Scotland* by the bishops or clergy—it confers no privilege or jurisdiction whatever on Episcopalians in that country;—and the only purpose for which it was granted was to permit ministers, ordained by Scotch bishops, (as also the Episcopal clergy in the United States of America,) to officiate, *under limited circumstances*, in the Established Churches of England and Ireland.

It is not necessary to inquire whether the bishops in Scotland were misled by their interpretation of the Act of 1840,—whether they erroneously supposed that ministers of their ordination were now identified with the clergy of the Church of England,—whether they believed that the two Churches were henceforward to be considered as in “full communion” with each other,—whether they imbibed at this particular juncture more enlarged views of the Episcopal prerogative than what had guided their immediate predecessors, or whether they were influenced by the disturbing waters of the recent Tractarian tide which has brought irreparable disunion, and left a mischievous deposit wherever it has flowed. But in the year 1842, a new era commenced. The Scotch bishops entered upon a course of discipline, which, as ought to have been anticipated, resulted *at once* in the partial loss of their authority, and promoted, whilst they thought it would diminish, the imaginary evils of which they complained. Some of the chapels were now separated from the Scottish Episcopal body, and the congregations, which have since been augmented, have struck root, and are growing, as members of the Church of

England, under the sanction of the Act of Queen Anne. The Scotch bishops issued, without having the authority in such cases to issue, excommunications; and, forgetful of the warnings of history and of the christian advice of the humble Porteus, they freely applied terms of reproach, and occasionally so far lost sight of their character as to indulge in language that has been condemned throughout the country. But these various efforts to intimidate or coerce members of the English Church were not sufficient in themselves either to alter their determination or to occasion any feeling of alarm; and, if no other means had been adopted to interfere with their rights and privileges, it would not have been deemed necessary to appeal to the British Legislature for protection. No sooner, however, had it been ascertained that two or three English prelates were indirectly supporting the assumptions of the bishops in Scotland than it was resolved at once to meet the threatened danger in the presence of the House of Peers. A petition was accordingly prepared. It was signed, without any extraordinary exertions to procure signatures, by nearly six hundred male representatives of Episcopalian families, including some of the most influential of the landed proprietors, merchants, and professional men in Scotland. A deputation was appointed to visit London. Interviews were obtained with several of the prelates and peers; and Lord Brougham kindly undertook to present the petition. It was presented on the evening of the 22nd of May, when a lengthened debate ensued, which terminated most satisfactorily to the cause of the petitioners.

The deputation, in bringing their labours to a close, have prepared a correct and full report of the debate for the perusal of the public. The newspaper reports were necessarily very imperfect, and in some cases even inaccurate. ALL THE SPEECHES, with the exception of those of the Earl of

Powis and the Bishop of Oxford, HAVE BEEN REVISED BY THE HANDS OF THE PRELATES AND NOBLE LORDS BY WHOM THEY WERE RESPECTIVELY DELIVERED. Each speech, therefore, as thus revised, must be regarded as conveying a faithful report of the very words spoken, or at least of the very sentiments intended to be delivered, by the several right reverend bishops and peers who took part in the debate.

The Earl of Powis declined, on being requested by the deputation, to correct his speech, which, therefore, is now published as taken down by one of the parliamentary reporters in the service of the Morning Chronicle. The Bishop of Oxford kindly accepted the offer that was made, but, on returning the MS. partially corrected, his Lordship intimated that, as the report transmitted to him was faulty, and as he had not time to revise it, he would not be responsible for the statements it contained. Under these circumstances the deputation resolved to reprint the speech of the Bishop of Oxford *verbatim* as it appeared in the Times newspaper; and they were partly influenced in arriving at this determination by a knowledge of the fact that his Lordship preferred the report as given by this journal to that which had been obtained from the reporter of the Morning Chronicle. It has been the anxious desire of the deputation to publish the debate as fully and as correctly as possible; and they have no doubt but that the Bishop of Oxford will be perfectly satisfied with the general accuracy of his speech as borrowed from the Times. EACH OF THE OTHER SPEAKERS, it may be well to repeat, REVISED THE MS. COPIES AS FURNISHED BY THE MORNING CHRONICLE REPORTER; and the CORRECTED SPEECHES are those which appear *VERBATIM* in the following publication of the debate.

It has been supposed by some parties that, because the petitioners did not obtain all that was requested, they were unsuccessful in their appeal. But this is a very mistaken

notion. The deputation were well aware that direct legislation on the subject of their claims was surrounded with considerable difficulties; and therefore, in strict accordance with the last clause in the prayer of the petition, they made no arrangement, and consequently expected no result, beyond that of securing a discussion which would effectually remove the heaviest of the alleged grievances. Their hope has been realised. A lengthened and very important debate has taken place. The peculiar position and the hardships of English Churchmen in Scotland have been thereby fully brought before the public—and not brought in vain. The opinions of the Archbishops of Canterbury and York, also of other prelates, and of several noble and influential lords, have been distinctly and unequivocally elicited; and the *principle*, for which the petitioners contend, and under the sanction of which they are determined to maintain their position as members of the United Church of England and Ireland resident in Scotland,—and yet in no wise subject to the jurisdiction of a Scotch bishop,—is now publicly acknowledged and authoritatively established.

The deputation would now reiterate the sentiment expressed in the concluding speech of Lord Brougham. They do indeed hope that *peace* may be the immediate effect of the debate. Members of the Church of England in Scotland evince no desire to interfere with the rights and privileges of the Scottish Episcopal Church. In the present controversy they have acted entirely on the defensive. They steadily refuse to acknowledge any Episcopal authority at present existing in Scotland. Compulsory union with the Scotch bishops is altogether out of the question. It was injudicious on the part of those few English prelates who encouraged the ineffectual attempt to enforce it. The petitioners feel that the Scottish Episcopal Church is unjust and arbi-

trary in its administration of discipline, and unsound and injurious in its doctrine. They call public attention to the fact that the united energies of the Tractarian party throughout the kingdom are continually, systematically, and avowedly directed to the maintenance and extension of the peculiar dogmas of the Scottish Episcopal communion. And why is this? Because the Tractarians desire to maintain, at all hazards, the *doctrines* exhibited in the Scotch Communion Office; and they believe that this office is in danger. The complaint and the appeal of Bishop Torry give vigour to their energies. "Shall we, who lie under no such obligation"—such was the language of this Scotch bishop in his pastoral address of 1846—"for Scotland is no colony of England, nor has the Church in Scotland during any period of her existence, whether in a state of purity or corruption, ever acknowledged subjection to the Church of England—shall we, I say, have recourse to the English Communion Office in preference to our own?" "It unfortunately happens, however, that many now among ourselves are not only insensible of their high privilege and distinguished blessing, and have shown so little nationality and Scottish feeling in them, as well as a growing ignorance of primitive truth, in reference to this service, that they have laid it aside altogether; and, by so doing, have given strength and currency to the cry for its entire suppression all over Scotland." And, after speaking of the *former* unity and peace among Scottish Episcopalians, he observes,—“How different our state *now* is, it is needless yet sorrowful to say! Our present position is certainly a most awkward one. . . . We cannot plead the persuasion, far less the compulsion, of any *external* influence prompting us to it. Our disturbance *has been*, and *still is*, from those of our own household.” But the Communion Office, in behalf of which the Tractarians contend, and



which has destroyed the peace of the Scottish Episcopal Church, differs essentially, as is demonstrated in the following pages, from the Protestant Liturgy of the Church of England. This is enough. Members of the Church of England in Scotland will remain, by the grace of God, faithful to the principles of the glorious Reformation; in order to secure these principles, they are constrained to assert that union with the bishops in Scotland is absolutely impossible. "As Protestants we are bound,"—such are the words of the late Bishop Barrington,—“from the king to the humblest of his subjects, by an imperious duty to the Reformation. If the Reformation was worth establishing, it is worth maintaining; and it can only be maintained by a CONSTANT VIGILANCE IN SUPPORT OF THOSE PRINCIPLES WHICH EFFECTED IT IN THE SIXTEENTH CENTURY.”

The deputation acknowledge the hand of God in the very great success which has attended their exertions. It is hoped there will be no future necessity for bringing any grievance connected with their ecclesiastical position under the notice of the British parliament, and that, whilst resolved to uphold evangelical truth in Scotland, in connexion with the United Church of England and Ireland, it will be admitted that ecclesiastical separation from the Scotch bishops is not incompatible with the exercise of forbearance and christian charity, on either side, in the daily occurrences of social life.

ELIBANK.

JAMES BAIRD, Baronet.

ARTHUR KINNAIRD.

BRODIE OF BRODIE.

EVAN BAILLIE, of Dochfour.

GEORGE D. GRÆME, of Inchbrackie.

MACDONALD MACDONALD, of Rossie Castle.

JOHN HAMILTON, of Sundrum.

**ROBERT KAYE GREVILLE**, LL. D., Edinburgh,  
**JOHN BALFOUR**, M. D., Professor in the University of Edinburgh.

**JAMES CUNNINGHAM**, W. S., Edinburgh.

**GEORGE BURNS**, merchant, Glasgow.

**WILLIAM F. BURNLEY**, merchant, Glasgow.

**CHARLES B. GRIBBLE**, M. A., Cantab, Incumbent of St. Paul's, Whitechapel.

**D. T. K. DRUMMOND**, B. A., Oxon, Incumbent of St. Thomas's English Episcopal Chapel, Edinburgh.

**CHARLES POPHAM MILES**, B. A., Cantab, Incumbent of St. Jude's English Episcopal Chapel, Glasgow.



**THE**  
**DEBATE IN THE HOUSE OF LORDS,**  
**MAY 22, 1849.**



## THE DEBATE,

&c. &c.

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LORD BROUGHAM said, he had now the honour of laying before their Lordships a very important petition, of the presentation of which he had given notice, and which he did not think he could any longer postpone. The subject of it was well deserving the attention of the House. The petition was from a most respectable body of our fellow-citizens, members of the united Church of England and Ireland, settled in, or temporarily resident in, Scotland. Some of their Lordships understood the question much better than he could pretend to do ; but the bulk must necessarily be as ignorant of the subject as he was himself until the petition was put into his hands. He hoped, therefore, they would favour him with their attention whilst he made a short preliminary statement. It appeared to him that he should do his duty most satisfactorily to their Lordships, as well as to the petitioners, and therefore most satisfactorily to his own mind, if, instead of reading the petition, which was largely but not diffusely written, and which was admirably drawn up and ably argued, he should state the merits of the

case, and so give the substance of the petition as he went along.\* In so doing he did not profess to state his own opinion, either in favour of the petitioners and their contention, or in opposition to them. Until he was enlightened upon what might be said upon that opposite side, he could not be said to entertain any positive opinion; he might think they were right, "as at present advised," but it was no departure from this safe rule which he prescribed to himself, if, in mentioning what had taken place, what had been said, and what had been done, he should find any persons had been conducting themselves rashly,—if he should find any persons had been behaving in an uncharitable manner, or in an unchristian manner, or in an illegal manner, it would be no departure from the caution he had imposed upon himself, and which he had announced to their Lordships, if he frankly expressed his opinion upon their conduct, rash, or uncharitable, or unlawful, confirmed as that opinion was by the highest judicial authority in the land. (Hear.) He had stated who the petitioners were. They were members of the united Church of England and Ireland, resident permanently or temporarily in Scotland. He did not say of the Episcopal Church of Scotland, for there was no such thing. There existed no such church. The petitioners were members of the Church of England, living in Scotland, and worshipping in Scotland according to the ritual of the English Church, believing, or at least professing to believe—for he had no right to go further—in the Thirty-nine Articles of the Church of England, and using exclusively the Liturgy of the

\* A *verbatim* copy of the Petition will be found at the end of the debate.

Church of England. They used the Liturgy as sanctioned by our Acts of Uniformity, which Liturgy alone any bishop, any priest, any deacon, in England could by law use. Not one iota had any bishop, any priest, or any deacon the right to change. But another church was established in Scotland. In that country the petitioners were dissenters: they were separatists there. They had no established church there. They were members of the established church here, expatriated permanently or temporarily in Scotland. In Scotland, however, they were dissenters and sectaries to all intents and purposes, and nothing but dissenters and separatists. (Hear.) But there was another class in Scotland who were nothing more than dissenters and sectaries, at least just as much as the petitioners were, but who, as he found by the statements laid before him, had at different times taken notions into their heads that they had less of the sectarian and dissenting character about them than the petitioners. He should show their Lordships how false that notion was, and upon what a delusion it was founded. All he had now to do was, to take the two different bodies, and describe their differences as he found them, in order to make his own purpose intelligible. In these respects, however, they did not differ from one another, that they were both sectaries, that both professed the episcopalian form of government, that both were in Scotland, and that neither had the slightest pretence in that country to be considered as established or as a church. He had told their Lordships, as was the truth, that the first of these bodies, the petitioners, subscribed and held the Thirty-nine Articles, without any qualification; and that, without any alteration in



any one iota whatever, they adopted the Liturgy of the Church of England. Not so the other body. They used a Liturgy materially different from that of the Church of England, in the use of which altered Liturgy the petitioners, and those who agreed with them, could not join. They could not use it, nor concur in it, nor approve of it; first, because it was not the Liturgy of the church to which they belonged; and, secondly, because it contained matter which they could not conscientiously adhere to, or agree in, or tolerate. To tolerate it in practice, God forbid they should refuse; but not as a dogma and as a belief. They preferred to abide by our own admirable Liturgy, but rejected the other. He should afterwards state to their Lordships one or two samples of the matters wherein the difference consisted, and then they would be enabled to see why the petitioners could not coincide in the Liturgy of what was called the Scotch Episcopal Church—a name they had chosen to take upon themselves, but which the Court of Session had deliberately, and without hesitation, rejected. (Hear.) They are, if they please to call themselves so, an Episcopalian Church in Scotland. The Episcopalian Church of Scotland they are not and cannot be, for there is no such thing; and a church they only can be in the same sense in which the Baptists or Unitarians in England may call themselves a Baptist or Unitarian Church. The history of these two different bodies was as materially different as their Liturgies. The Scotch Episcopalians had no orders whatever from any bishop, either in England or Ireland, and they could not give any orders. Having no orders themselves, they could give none in that church,

though they gave them in their own church, as they called it. The ministers of the other, that was the petitioners' church, using our Liturgy and subscribing our Articles, were all of them ordained by bishops or archbishops of the united Church of England and Ireland. (Hear.) There was also this most material difference in the history of the two. The House was aware, historically, that Episcopacy, which never took any deep root in Scotland, being utterly alien to the feelings of the people, was, after ineffectual attempts to force it upon them in the 16th, and subsequently in the 17th century, finally rooted out by the great and glorious event which took place both in England and Scotland in 1688, the revolution. (Cheers.) At that time, by that event, episcopacy was utterly put down in Scotland, and presbytery established in its room. From the year 1688 to 1712, or thereabouts, the petitioners' church was subjected to great discomfort and even to persecution. Their meetings were interrupted, their chapels were disturbed, their performance of service was interfered with, and it was difficult for their ministers to continue the discharge of their functions, and for the members of the communion to receive the offices of religion. (Hear.) Accordingly, about the year 1712, a statute—the 10th of Queen Anne, cap. 7—was passed to put an end to these interruptions and persecutions. This statute established for them the full and entire right of celebrating the services of the Church of England according to the Liturgy of that Church: the ministers qualifying themselves in other respects by taking the oaths of abjuration, supremacy, and allegiance. It was not quite correct to say, as this petition does, that the use

of the Liturgy was required as a condition of their receiving the protection of the statute, because the act authorised them, without let or hindrance, to perform the services of the Church, and to use the Church of England Liturgy "if they shall think fit." They had by the act the right of protection from persecution, and authority to use the Liturgy; but they were not required by the act to use the Liturgy. If they did not use it, it was upon their own objection. Upon this subject they had a perfect right to act as they chose. So matters went on until the middle of the 18th century. Then occurred the rebellion of 1745. Up to that moment all Episcopalians in Scotland enjoyed all the protection given by the statute of Anne; but a difference had arisen between the two bodies, which he prayed their Lordships to bear in mind. The petitioners adopted the Thirty-nine Articles and the Liturgy; they prayed for the king and the royal family in the usual way, and they took the oaths of allegiance, abjuration, and supremacy. But not so the other body. They would take no such oaths: and hence they acquired the name of the nonjuring clergy. They said, "We are good and loyal subjects, but we will not swear; we are Protestants, and repudiate the authority of the pope, but with the oaths of abjuration and supremacy we will have nothing to do, for we take no such oaths." So they went on, until 1745, when, immediately after the rebellion, the 19th Geo. II. was passed. The nonjuring clergy had sown sedition broadcast over the land. The legislature and the government would submit to it no longer, and a stringent statute was made, of which he would not trouble the House with the details. The principle of it, however,

was as follows. No more than five persons of the Episcopalian body should presume to assemble together to worship in any meeting-house, or private chapel, under severe penalties, unless they would take the oaths, and pray for the royal family as other loyal subjects did ; but if they still continued nonjurors, they were deprived of the right of assembling together to a greater number than five, under the penalty, if clergymen, of imprisonment for the first offence, and transportation for life for the second offence ; and if laymen, to other penalties of less severity. This act proceeds upon a preamble, charging the nonjurors with having been accessories to the late wicked rebellion. Such was the opinion recorded of them by this statute ; such was the opinion of them held by king, lords, and commons, in the reign of George the Second ; and that opinion remained unchanged so long as they refused to take the oaths of abjuration and supremacy, and so long as they refused to pray for the royal family, which they continued to do for nearly fifty years afterwards. (Hear.) In the year 1792 another act was passed, which set forth that the persons in question had become more trustworthy subjects, and that their loyalty was more to be depended upon ; but this act only freed them from pains and penalties for assembling to a greater number than five, on the express conditions, first, that they should sign and take the oaths of supremacy and abjuration ; secondly, that they should pray for the royal family ; and thirdly, that they should subscribe to the Thirty-nine Articles, and the docquet usually annexed to those articles — a docquet which many persons in these days signed Jesuitically, making

an affirmation openly with the hands, but protesting against it secretly in their hearts. (Hear, hear.) If they did not sign, if they did not pray for the royal family, if they did not take the oaths, then they were to continue subject to pains and penalties, though less severe than formerly. Any priest, deacon, or bishop, (as they called themselves, but they were really not bishops at all,) so refusing, was liable to be punished by fine for the first offence, and to suspension for the second offence from his office for three years. Laymen were less gently dealt with; for, by attending such illegal ministrations, they rendered themselves liable to imprisonment for any period not exceeding two years. Thus they were still kept under strict watch by this act, although, no doubt, it was a relaxation of the previous severity of the law. But what said the nonjuring clergy to this act? Why, it turned out, that though willing to get the toleration, they were unwilling to pay the price; they liked the benefit, but disliked the conditions with which it was accompanied. They, therefore, hesitated about taking the oaths. (Hear.) They continued fencing with the act and its requirements for twelve years, down to about 1804, when, at length, they intimated that they were perfectly willing to do what the law demanded they should do. But they accompanied that intimation, that report, of their willingness, with a private understanding and reservation among themselves, which he did not hesitate to say was disgraceful to their character, not only as Christians, but as honest men. (Hear, hear.) They said privately among themselves, but not to parliament and the country, that they subscribed to the Thirty-nine Articles, in

conformity to the construction put upon them in a book then just published, and which they much patronized, called, "A Layman's Account of his Faith and Practice as a member of the Episcopal Church in Scotland. Published with the approbation of the bishops of that church." (Hear, hear.) Now this book made considerable variations from the ordinary and accepted tenor and meaning of those articles.\* (Hear.) So matters, however, went on, until the year 1840, when his most Reverend Friend, the late pious, learned, and amiable Archbishop of Canterbury (Dr. Howley) brought a bill into that house to extend certain privileges to the clergymen of the sectarians—for nothing more than sectarians they were—calling themselves "Members of the Scotch Episcopal Church." This bill passed. It gave power to any English bishop to license any clergyman of the Scotch Episcopal Church to preach in his diocese for two days or Sundays, and no more; whereas, by the act of Anne, no such minister could officiate in England or Ireland unless duly registered as a person whose orders had been given by some of the bishops of the united Church of England and Ireland. In fact, the act of 1840 recognized, in no way whatever, the orders given by Scotch bishops; but it only so far sanctioned them as to permit any of the Scotch Episcopal clergy to officiate for two days and no longer in any diocese in England or Ireland, with the consent of the diocesan.†

(The Bishop of EXETER said, the statute of Anne made no recognition of any particular orders. It simply said "ordained by a Protestant bishop;" but after the rebellion, the law was rendered more strict, and a register was required.)

\* See Appendix A.

† See Appendix B.

Lord BROUGHAM said, the right reverend prelate was perfectly correct. The act of Anne did say "by a Protestant bishop;" but as the Scotch bishops were no bishops at all, of course their orders were not recognized by the Church of England and Ireland. (Hear, hear.) The statute of Geo. II. required that persons in orders should be registered: true. But what orders? Why those granted by English or Irish bishops alone, clearly showing that the law, at least, did not reckon the Scotch bishops as anything very episcopal. (Hear, and a laugh.) He would now come to the matter of the present controversy. It consisted chiefly in this. There was no doubt that the Scotch sectaries, against whom the petitioners complained, who called themselves the Scotch Episcopal Church—which they were not, for they were no church at all—and who only desired, when toleration was asked for them, to be put upon an equal footing with other dissenters like themselves, in Scotland, no sooner obtained that toleration than they showed what they wanted. They had evidently become desirous to discountenance and put down other bodies, although at first all they wanted was to be made equal to these other bodies. They thereupon proceeded at once to extremities with the other Episcopalians—the petitioners: they stigmatized them as schismatics, and they warned all mankind of the Christian faith to take care how they entered into communion with them, as they formed no part of the mystical body of Christ. (Hear.) In fact, a sentence of excommunication was passed upon the petitioners as nearly as possible by this newly-tolerated sect; and they actually proceeded to enforce it, for he found that in one case, which had

been made the subject of legal proceedings, they used language of which one of the Scotch judges in the Court of Session said, "There is, in this sentence" (of synodical denunciation by the *Primus*, as he calls himself,—Dr. Skinner called himself the *Primus* of that body which was no church at all) "an excess of language quite unpardonable." (Hear.) But the self-styled *Primus* required his presbyters to publish and declare it from the altar, and to denounce a gentleman for his just and conscientious objections to their garbled liturgy, denounce him in language designated by the highest legal authority as "unpardonable." And when one of them refused, and very properly refused, as he might have been indicted for libel, Dr. Skinner wrote to him a letter of reproof, in which occurred the following gentle and choice phrase,—“Your mulish obstinacy in so simple a matter.” (Hear.) This “simple matter” being no less than a sentence of excommunication against a clergyman of the Church of England, who, having subscribed the articles of her faith with no Jesuitical reservation, with no secret or hidden interpretation, but in an open, honest, manly, straightforward manner, declined to alter his tenets. (Hear.) Had this presbyter been less mulish, he might have deserved to be compared with another animal of the mule’s kindred; for he would have committed a most imprudent act. “Your mulish obstinacy,” continued the *Primus*, as he called himself, “in so simple a matter is extremely silly and vexatious.” And then he added, in reference to the appeal made to him by the presbyter, “If you be not completely stultified, you must perceive how utterly impossible it is for me to



listen to any such absurdity." \* Absurdity! did any one ever hear of such prudent conduct being called an absurdity? Why, he who claimed this authority was no bishop, and his church was no church! They were sectaries and only sectaries; they were dissenters and only dissenters. (Hear.) Why, in 1809, a case was presented to the Court of Session by one of the heads of this sect, in which he called himself the bishop of a diocese. The summons spoke in particular of "the bishop and diocese of Edinburgh," and the "Episcopal Church of Scotland." But the Court of Sessions refused to recognize any such titles or any such dioceses. (Hear.)† They might, if they chose, parcel Scotland out into four quarters, and arrange them as districts for the furtherance of their own religious discipline, but that would give them no legal territorial jurisdiction. The Court of Session very properly said, "We recognize no Episcopal Church of Scotland; we know of no dioceses in Scotland; we have heard of dioceses in England, but in Scotland there is no such thing. You are dissenters and sectaries; you may call your ministers bishops or whatever else you choose, we care not; but dioceses we cannot allow you to have." (Hear, hear.) He did not wish to enter into any argument upon the theological part of the question.

\* A *verbatim* copy of the excommunication, with an account of the Rev. Mr. Taylor's refusal to denounce the Rev. Sir William Dunbar from the altar of his chapel, will be found in Appendix C.

† Case of Bishop Abernethy Drummond *versus* James Farquhar. The judgment of the Court of Session was that the designation of *Bishop of Edinburgh*, "assumed by the pursuer, should be erased from the summons, as not recognised by the Court." July 6th, 1809.

Not only was he averse to the introduction of such arguments into the House, but he confessed himself incapable of taking part in such controversies. At the same time he should not be doing his duty to the cause he had undertaken, if he did not attempt to show, to the satisfaction of their Lordships, that there was such a difference between the two Liturgies as justified the petitioners in refusing—and constantly and steadily refusing—to use that which the other body sought to impose upon them. (Cheers.) This other body did not allow any person to become a dean, priest, or bishop, as they were called, unless they signed the canon\* which gives “primary authority” to this Liturgy—part of which he would presently read to the House. First, he ought to have mentioned that these Episcopalians made canons of their own. They had a sort of convocation, into which no laymen were admitted, in which they made new canons or altered old ones according to their own good pleasure, and he might add, not unfrequently.† (Hear.) In the Liturgy thus promulgated by the canons, the Communion Office varied most materially from that of the Church of England. (Hear.) He would read one sentence to show the discrepancy between them. In the prayer called the Invocation occurred these words:—

“Bless and sanctify with thy word and Holy Spirit these thy creatures of bread and wine, that they may BECOME *the body and blood of thy most dearly beloved Son.*” (Hear, hear.) Not “become *to us* by faith for our sanctification,” but “that they may become”—that was absolutely—“the body and blood of thy most dearly beloved Son.” (Hear.) Well, this Episcopalian

\* Appendix D.

† Appendix E.

sect might be quite right, and the petitioners might be quite wrong, for being but a bad theologian at best, he did not wish to enter into that question at all ; but he must say, that to those who had a conscientious objection to any departure from the English church in this particular, it was a good reason why they should not join a communion which used such a Liturgy, for if this did not amount to transubstantiation, it was a very, very near approach to it—almost the nearest he had ever seen beyond the Romish pale. (Hear, hear.) They might be, as he had said, quite right, and he and others quite wrong ; but all must admit there was a difference between them quite sufficient to give a perfect right to those who joined with the petitioners to say, “ We prefer the communion of the Church of England to this variety of Episcopacy,”—a perfect right, because this was no more a church than any of the other bodies of sectaries in Scotland. He came now to the last subject of complaint urged in this petition. It was a practical grievance. (Hear.) When a parson ordained in England or Ireland, went back to England, after having been a resident in Scotland, if he belonged to the body of dissenters which used the erroneous Liturgy,—that was to say, the Liturgy which differed from that of the Church of England—the legitimate descendants of the nonjuring clergy, of those who had been stigmatized with sedition and rebellion, and punished accordingly in 1745—the legitimate descendants of those who, declaring themselves loyal subjects, hesitated from 1792 to 1804, twelve years, before they would take the oaths of allegiance and supremacy, and who eventually subscribed to the Thirty-nine Articles with a secret reservation—if such a parson brought a

certificate from a Scotch bishop—who was no bishop at all—he was received by the bishops of this country and at once licensed to officiate, and if presented to a living, he was immediately inducted. Some bishops, however, had one rule and some another. Some would not grant a license to officiate in their dioceses, and would not induct, unless the clergyman brought with him a certificate from a Scotch bishop. Therefore, if they had belonged, in Scotland, to the communion of the petitioners, and had refused the garbled and altered Liturgy, clergymen could not, in those dioceses, obtain a license to officiate, and could not be inducted.\* This was what the petitioners complained of. Some bishops would, and some would not license. The rule of the latter was felt to be a great hardship, inasmuch as it prevented the petitioners, who could place themselves under no other clergymen, from obtaining ministers from England, unless they were prepared to give up the idea of returning to England at any future time. (Hear.) He should now conclude as he had begun, by admitting that the statement he had made was necessarily *ex parte*; but if any satisfactory reply or explanation could be given to it, he should willingly receive and give full weight to it. His mind was made up on neither side. (Hear.) He had given a statement of the case as it had been presented to him, and the petitioners might, as he had repeatedly said, be quite wrong, and the other sectaries might be quite right. All he had sought to do was to perform the task he had conceived it his duty to un-

\* At least they could not be inducted to a benefice without the expensive and tedious process of obtaining a *mandamus* from the Court of Queen's Bench.

dertake in a clear and intelligible manner, though he feared he had not been so brief as he might have wished. He could not, however, conclude without stating that he grieved to find two respectable bodies—for he knew they were both respectable—of dissenters in the sister kingdom, who had so much in common, at variance upon points so interesting and so important to conscientious minds. (Hear.) He must also say, that he wholly disapproved of that asperity of language which had received, justly, the censure of the Court of Session. (Hear.) Far be it from him to ask the House to declare which of the disputants was right and which wrong. That never ought to be, as it was not, the office of Parliament. He grieved to find that our excellent Church in Scotland should have this quarrel among her sons. (Hear.) It would be much better for both bodies to come to an understanding, and be so united as to have no differences in doctrinal opinion or creed. (Hear.) He could not, however, say his expectations were very sanguine of such a happy consummation ever taking place. His fears in this respect did not arise from a belief that insurmountable differences of opinion existed between them. On the contrary, the light thrown upon the history of churches and of creeds, in the records left by authors of past times, the light obtained from careful study of the bygone deliberations of Parliament, the light shed by the researches and disquisitions of modern authors—and among the most able and the most recent was his noble friend upon the cross-benches, (the Duke of Argyll,) who had given to the world a learned, able, and interesting work (Hear) upon the subject, though not on points immediately connected with this case—

disposed him to think that nearness to identity of opinion upon such subjects was not the most essential element of peace and concord. (Hear.) He was disposed to believe that far from the zeal of conflicting sects, far from the asperities of contending theologians, being proportioned to the distance of their several points of belief from one another,—rather as though these moral forces obeyed a law of nature like that of gravitation, which operated in an inverse proportion of distance,—the fiercest and bitterest strife would too often be found where the space between the rival tenets was the smallest. (Hear.) He hoped this would not now be the case. (Hear.) He trusted this schism would soon be healed. No man more loved or revered our Anglican Church than he did. From all the experience he ever had, judicially and as a student, from all he had ever read or known of other churches and of dissenters, he believed the Church of England was, of all communions, the one which combined at once the most exalted talent, piety, and learning, with the greatest amount of toleration—a praise which even dissenters allowed; and he could not help feeling, in regard to this venerable establishment the most profound respect, the most sincere admiration, and the warmest affection. (Loud cheers.) The noble and learned Lord concluded by reading the prayer of the petition, as follows:—

“ May it, therefore, please your Lordships to provide that all clergymen of the Church of England or Ireland, on being appointed to English chapels in Scotland, may be inducted to the charge of their congregations simply as such, either by His Grace the Archbishop of Canterbury, or by the respective

bishops from whom they received ordination, whether in England or Ireland :

“ Or may it please your Lordships to sanction and recommend periodical visitations of English congregations in Scotland by certain bishops of the Church of England and Ireland—not as legally exercising any territorial jurisdiction in Scotland, but as ecclesiastically exercising their episcopal functions in the congregations which stand in need of their assistance, especially in the ordination of ministers and the rite of confirmation :

“ Or may it please your Lordships to adopt any other course of proceeding which to your Lordships may appear most expedient, for the purpose of placing your petitioners on such a footing in this country as to give them all the advantages of the discipline of their own church.” (Cheers.)

The Bishop of SALISBURY greatly regretted that they had not on this occasion the advantage of the presence of that right reverend prelate, (the Bishop of London,) at whose request the noble and learned Lord had been good enough on a former evening to postpone the presentation of this petition. Had that right reverend prelate been present, he would have been able to address their Lordships with his usual clear and convincing eloquence, and with that authority to which his experience alike and his great abilities entitle him, and to which he, the Bishop of Salisbury, was aware that he had himself no claim. But his right reverend friend being unavoidably prevented from being present, owing to important business in his own diocese, had requested him to state on his behalf his dissent from the prayer of the petition before the House: and in

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doing this, though it would be his wish to confine his observations within the smallest possible compass, he trusted to be able to adduce some reasons why their Lordships should not acquiesce in the view of the subject which had been taken by the noble and learned Lord, or grant the request which he had preferred on the part of the petitioners. He begged however, in the first place, to assure the noble and learned Lord that he concurred most heartily in the observations with which he had closed his address, as to the great importance in the discussion of all subjects, and especially in the discussion of those of a sacred nature, of laying aside all feelings of bitterness and acrimony. He agreed also with the noble and learned Lord in deploring the differences which unhappily existed on this subject among the members of the Episcopal Church in Scotland, though he believed that those differences did not prevail by any means to the extent the House might have been led to suppose from the speech of the noble and learned Lord.\* Neither did he dissent, in any material respect, from the recapitulation which their Lordships had heard, of the history of the Episcopal Church in Scotland. It was true that that Church did not enjoy any of those advantages of outward condition which were in this country attached to the Church, as established by law.

\* It is confidently affirmed, and by those who, residing in that country, have the best opportunity of forming an opinion, that the differences among Episcopalians in Scotland are by no means exaggerated in the present debate. It will be presently shown that the dispute among *Scottish Episcopalians themselves* is even warmer and more injurious to their prosperity than the difference which exists between this body and members of the Church of England.



It was neither endowed with wealth nor dignified with the honours of worldly state. It was undoubtedly a dissenting body, and had no fixed status by law. It was now only tolerated; and till protection was extended to it by the statute, to which the noble and learned Lord had referred, it was the subject of a proscription and persecution, to which no other religious community was in that country exposed. But while he thus gave his assent to much that had been said as matter of history by the noble and learned Lord, he was not prepared to acquiesce in the inference he drew from this, or to admit that because the Episcopal Church in Scotland was not endowed or established, it was, therefore, no church at all.

Lord BROUGHAM.—No, no.

The Bishop of SALISBURY.—Again and again the noble and learned Lord had said it was no church, that its bishops were no bishops,—and that as a church it had no existence at all.\* According to such

\* The Bishop of Salisbury evidently mistook the *argument* conveyed in the language used by Lord Brougham. The petitioners complained that, owing to an *assumed power* on the part of the Scottish bishops, and in consequence of pretensions put forth repeatedly by that Church, they were subject to serious grievances. The bishops claimed, for instance, *jurisdiction* over all the members of the Church of England who might enter Scottish territory, and this claim was founded on an assumption that some sort of *territorial power* is vested in their office. Hence they style themselves "*Bishops of Dioceses*," and they *undertake* to control and to excommunicate English Churchmen, living apart from them in Scotland, as if the law of the land recognised these pretensions. Because, therefore, the style of "*Bishop of a Diocese*," as assumed by these bishops in Scotland, and the claim to act with a *judicial* authority, granted only to an established church, is contrary to the law, Lord Brougham, as a lawyer, and in particular allusion to

a rule, the Church of Christ did not exist at all before it was endowed and established by Constantine. According to this, that Church which they had been accustomed to trace back to the days of the presence on earth of the Redeemer of mankind did not exist in the world before the fourth century. It was surely hardly necessary to disprove such a proposition as this. The Church of Christ existed in the world from the

their illegal assumptions, declared that the Scottish Episcopal body is not a church but a sect, and that its bishops are no bishops at all. It is quite obvious, from his own emphatic disclaimer of the sense attached to his words by the Bishop of Salisbury, as also from frequent admissions made in the course of his speech, that Lord Brougham unchurched the Scottish Episcopalians only so far as they are unchurched by the law of the land. And the *law of the land* has been very recently set forth by the highest judicial authority in Scotland, as follows :—"The *jurisdiction* of a bishop of the Protestant Episcopal Church in Scotland has *no existence* . . . . It appears to me that this court, administering the laws of the realm, can recognize no jurisdiction whatever, as existing in any official in that communion. They enjoy, it is true, toleration ; but merely as a body of private individuals, united by particular religious views, and associated for the laudable purpose of promoting those views. Bishops, of course, are, in some of the tolerating acts, recognized as existing *de facto*. But no office-bearer of their communion, or of any merely tolerated communion, can lay claim to *jurisdiction* any more than the office-bearer of any private association. . . . . We, administering the law of Scotland, are presumed to know the nature and limits of the jurisdiction of the various constituted authorities. But of the rights and powers of a bishop in the Scottish Episcopal Church, we can know nothing, until they are established in evidence like the terms and conditions of any other association."

See the opinion of Lord Fullerton, one of the judges of the first division of the Court of Session in Scotland, in the case of the Rev. Sir William Dunbar, Bart., *versus* Bishop Skinner, D.D., of Aberdeen. The report of the case is published by Wm. Blackwood and Sons, Edinburgh and London.

days of the Apostles, when it was persecuted and reviled everywhere, long before it was established anywhere by law. It existed when confined to the upper chamber at Jerusalem ; and by the power of the Spirit of the Lord had spread abroad and established itself in the hearts of men, and had overcome the world without the aid of those external supports, in which the noble and learned Lord appeared to consider its very existence to consist. Why, according to this argument, the Church in the present day could have no existence at all in those countries in which it was not endowed and established by law. It could not, for instance, have any existence at all in the United States of America, where, nevertheless, we were happy to see a church which we acknowledged, and which was intimately connected with our own church, existing, and flourishing, and widely spread, although altogether independent of any support from the civil power. (Hear.) He could not conceal his surprise at the statement of the noble and learned Lord in this respect. It was also true that from the reign of George the Second down to 1792, the Episcopal Church in Scotland was under the proscription of the law ; but that proscription did not arise from anything in the religious tenets or ecclesiastical character of that Church, but from the political opinions which were generally prevalent among its members ; and because it was unwilling to give to the civil government those pledges of its loyalty to the established order of things which were required as the condition of protection to be extended by the state. Harsh as were the laws under which the Episcopal Church in Scotland lay during the greater part of the eighteenth century, it

was impossible to deny that there was much in the prevailing sentiments of that body during that time to account for, if not to justify them. But before the close of that century these reasons ceased: and from the time that the members of that church professed the same allegiance with the rest of their fellow-subjects, those restrictions had been removed, and that protection had been fully and freely extended to them which the law conferred upon all other religious bodies. The noble and learned Lord had corrected one misstatement in the petition, namely, that the 10th of Queen Anne prescribed the use of the Liturgy of the Church of England as a condition of the toleration extended to the members of the Episcopal communion in Scotland; but as this was one of the points on which the petitioners appeared very much to rely, he would take the liberty of again directing their Lordships attention to it; and of quoting the words of the statute itself in order to show that there was not a shadow of ground for any such assertion; but that the act in question left the members of the Episcopal Church in Scotland free to use either the Liturgy of the Church of England, or such other form of worship as they might prefer, without in any degree forfeiting by such diversity the protection extended to them. The words of that statute were as follows:—

“ It shall be free and lawful for all those of the Episcopal communion to exercise their own form of worship, performed *after their own manner* by pastors ordained by Protestant bishops, and to use the Liturgy of the Church of England *if they shall think fit*.”

Such were the terms of the statute, and by these terms

they were free to use or to refuse, as they thought fit, the Liturgy of the Church of England. And in speaking on this subject he would further remark, that while it was very natural for us to most value the Liturgy to the use of which we had been accustomed from our earliest youth, and while there was in all well-constituted minds a becoming prejudice in favour of forms associated in our memory with many holy and endearing recollections, he was sure the noble and learned Lord was far too well versed in the history of the Church to give any sanction to the idea that an identity of Liturgical forms was in any way a necessary condition of Church communion. Their Lordships were well aware that even in the same church there used to be in former times scope for a much greater diversity in this respect than existed now under the more stringent regulations of modern legislation. In our own country, before the Reformation, a member of the Church removing from the northern parts of the island to the southern would have been thereby necessarily obliged to the adoption of some differences of liturgical form, as in the former the observances of the Church of York generally prevailed, whereas the southern dioceses generally adopted the use of Sarum, the liturgical formularies of which church had obtained great celebrity and wide-extended prevalence, owing to the care with which they had been arranged and ordered by Osmond, his great predecessor in that seat which he had now the honour, however unworthily, to fill. It was, however, true that differences of liturgical forms might express essential differences on vital doctrines of the faith; and

if this were the case, an obstacle to communion would then undoubtedly exist.\* He felt that the observations of the noble and learned Lord, as to the unsuitableness of that place for the discussion of this portion of the subject, were very just: and he would rather be guided by the judgment of the noble and learned Lord in this respect than tempted by his example to enter upon a discussion in detail upon topics upon which, from the sacredness of their character, it was painful to speak in an assembly of that kind. He would, therefore, content himself with saying, that men of the highest character in our own church, men second to none in Protestant zeal and purity of faith, had, on a most careful and diligent investigation, even given the preference to the Scottish Liturgy over our own. (Hear.) He would content himself with declaring his own belief that the Scotch Liturgy expressed no doctrine discordant from the doctrines set forth in the Articles of our own Church. And on this subject, on which many misrepresentations were now made, and very erroneous ideas were afloat, it would, he thought, be satisfactory to their Lordships to hear what was the deliberate opinion of one of those clergymen who were mainly concerned in that movement of which this petition was the result. He had in his hand an extract from a letter addressed by

\* This is, in fact, the very point on which the controversy turns; and the petitioners therefore, under a thorough conviction that the Scottish Episcopal Church teaches doctrines at variance with those of the Church of England, feel, as the Bishop of Salisbury with similar convictions would admit, that an "obstacle to communion does undoubtedly exist."

one of those gentlemen to the late Bishop Russell, which, with the permission of their Lordships, he would take the liberty of reading to the House. In that letter the reverend gentleman said: — “ The canons I have now examined. I took the precaution of reading them before I examined any controversial writings bearing on the subject. The result was acquired without the slightest difficulty. I must frankly say, that inasmuch as they relate only to discipline and not to matters of faith, and inasmuch as they cannot compel me to adopt in my own church the communion office, a clause in which I decidedly hold to be objectionable, *as likely to disturb weak minds, I shall have no hesitation in affixing my signature, and I will endeavour, when opportunity offers, to assist in suppressing the outcry that has been so unadvisedly raised.* In my own judgment, I think the objectionable clause in the communion office is explained by other portions of the service, even as certain strong phrases in the English office are in like manner qualified.” These were the sentiments on this subject of one of the chief promoters of the present agitation, and with them he thought he might dismiss this portion of the case.\* And with reference to the question of the expediency of such interference, as was called for by the petitioners, he thought it desirable that their Lordships should know, and bear in mind, that the petition did not in truth represent the feelings of the clergy and laity of the body said to be aggrieved, in the degree that might be imagined from the speech of the noble

\* See Appendix F.

and learned Lord. The facts were, he believed, correctly stated in a paper which had been placed in his hands. This paper \* said :—

“ The Episcopal Church in Scotland consists of about one hundred and eight congregations, under the ministry of seven Bishops and somewhat more than a hundred Incumbents. Of these Incumbents, thirty-three are of English or Irish ordering. They removed to Scotland, it is believed, in all cases, with a cordial adherence to the doctrine and discipline of the United Church of England and Ireland, certainly with the knowledge and sanction of the Bishops under whom they were previously serving, and with a belief that they were moving from one branch of the Catholic Church to another, differing only in this, that the one is established, the other merely tolerated.

“ They were, indeed, aware that in some Scottish congregations a Communion Office was used differing from that in the English Prayer Book. But as they saw nothing in the Scottish Office contrary to the truth of Scripture ; as they knew that it had received the explicit approbation of some of the most distinguished theologians in the English Church ; and finally, as they knew that its use could not, consistently with the practice, be enforced in any congregations preferring to use the English Office, they did not consider this diversity of office as constituting any impediment to their union with the Scottish Episcopal Church and their dutiful submission to the Scottish Bishops.

“ About seven years ago, a clergyman in Edinburgh renounced the authority of the Bishop of that district, and his connexion with the Episcopal Church ; and he has since been joined by two clergymen previously in connexion with the Scottish Episcopal Church, and by three clergymen from England. There appear to be two other English clergymen officiating in Scotland unconnected with

\* This ‘ paper,’ from which the Bishop of Salisbury quotes, is an *anonymous* document. It was drawn up and circulated among Peers and Bishops, but no one seems willing to be responsible for its contents. It is without a signature. And yet the Bishop of Salisbury draws his statements, incorrect and injurious to the petitioners as they are, from this *unauthenticated* paper.



the Scottish Episcopal Church, but also unconnected with the six clergymen just mentioned, and opposed to the application for Episcopal superintendence from England.\*

“Under these circumstances, it seems that the clergy of English Orders in Scotland would be placed in a very painful position were any English or Irish Bishop to appear among them, assuming and exercising Episcopal functions. They would be forced to consider whether the church in which they had been educated and ordained were not in this matter violating one of the fundamental laws of the Universal Church. And it is worthy of consideration, that the same question might agitate the minds of many faithful members of the United Church of England and Ireland residing in those parts of the empire, who hold that Episcopal government in matters purely spiritual has a foundation of right, which no human law can either give or take away. While, then, six clergymen and six congregations might be relieved by the ministrations of a prelate from England or Ireland, it is to be considered that such ministrations would deeply aggrieve a much larger body of clergymen, and a much greater number of congregations now living in peaceful submission to their several Diocesans; and that, by all the Scottish Bishops, and all the indigenous Episcopal clergy, such ministrations would of course be considered as possessing no ecclesiastical authority whatsoever.

“Finally, it may be well to remember, that the relative position of the Church of England, and the colonies of the empire, can supply no guide or analogy for her ecclesiastical relations with Scotland. Scotland never was a colony of England. Scotland possesses an Episcopal Church recognised by Act of Parliament as in communion with the Church of England; and the Constitution has so carefully secured her National Establishment as to make it very doubtful whether any jurisdiction in Scotland could by law be now conferred upon any Bishop, without a violation of the Treaty of Union.”

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\* This paragraph, touching on matters of fact, is exceedingly incorrect; instead of *three* clergymen there were *six*, who, from conscientious motives, withdrew from the authority of the Scottish bishops within a period of about three years; and, instead of having been joined by only *three* from England, as is here alleged, no less than *nine* clergymen of the United Church of England and Ireland have since joined them. See Appendix G.

He trusted, then, that their Lordships would do nothing whereby the Episcopal Church in Scotland might be wrongfully attacked or injured—a church not the less worthy of respect, because it was not established by law. And on the subject of the introduction of English Bishops, he wished to bring to their Lordships' recollection the words of a prelate deservedly held in the highest estimation—a prelate who was one of the brightest ornaments of the Episcopal bench. (Hear)—Bishop Horsley, in the debate upon the passing of the Act for the relief of the Scottish Episcopalians, in replying to the Chancellor of that day, Lord Thurlow, said :—

“ My Lords, with respect to the interests of Episcopacy in Scotland, my opinion is unfortunately the very reverse of that of the learned Lord. The credit of Episcopacy will never be advanced by the scheme of supplying the Episcopalian congregations in Scotland with pastors of our ordination ; and for this reason, that it would be an imperfect, crippled Episcopacy that would be thus upheld in Scotland. When a clergyman ordained by one of us settles as a pastor of a congregation in Scotland, he is out of the reach of our authority. We have no authority there : we can have no authority there : the legislature can give us no authority there. The attempt to introduce anything of an authorized political Episcopacy in Scotland would be a direct infringement of the Union.” \*

And while the noble and learned Lord stated that evening, and stated erroneously, that there were no such persons as bishops in Scotland, (although he spoke correctly when he said there were no bishops

\* Bishop Horsley speaks of “*political* episcopacy.” His observations therefore, as here quoted, are altogether irrelevant to the case of the petitioners, who, as appears in the petition, were particularly cautious to enter their own protest against political or territorial Episcopacy in Scotland.

endowed and established by law,) he might have gone further, and might have added, that not only was it the case that there were not now in Scotland any bishops such as those to whom alone he was willing to attribute that character; but that according to the constitution of the realm there could be none such; for that the act of union prevented any bishops from being established by law in that country, and therefore that to grant the prayer of the petition would be directly to infringe this fundamental Act of the Union of the two kingdoms.

Lord BROUGHAM observed that the petition did not call for the establishment of bishops. (Hear.)

The Bishop of SALISBURY said, that he had observed that the noble and learned Lord had been somewhat unwilling very distinctly to state what was the prayer of the petition of which he was the advocate. The reference he had made to it had appeared to be drawn from him somewhat reluctantly: and when he was obliged to read the words, he could not help admitting that the main point for which they asked was very objectionable. And now he seemed to wish to put upon the petition a construction different from that which the words of it must necessarily convey.\* He would, therefore, state more distinctly to their Lordships the precise words in which that prayer was con-

\* On referring to Lord Brougham's speech, it is not evident what portion of it is here alluded to by the Bishop of Salisbury. Lord Brougham read aloud the *whole* of the prayer of the petition; and, as the petitioners proposed *several alternatives* for the removal of their grievance, it is not easy to see in what way Lord Brougham could have been perplexed, as the Bishop of Salisbury supposes, by the petitioners' prayer.

veyed. (Hear.) The words of the petition were, that "all clergymen might be inducted either by the Archbishop of Canterbury, or by the respective bishops from whom they received ordination;" or that the House would "sanction and recommend periodical visitations of the English congregations in Scotland by certain bishops of the Church of England and Ireland; [Lord BROUGHAM—Read on;] not as legally exercising any territorial jurisdiction ("Hear" from Lord Brougham) in Scotland, but as ecclesiastically exercising their episcopal functions in the congregations which stand in need of their assistance." Now any authority which could be given through the instrumentality of their Lordships' House, either for the institution of clergy by English bishops into cures in Scotland, or for the visitation by such bishops of congregations and clergy in that country, could only be by legislative enactment authorizing and confirming by law the exercise in that country of Episcopal jurisdiction; and this, he must contend, and he was certain that the noble and learned Lord could not deny, would be a plain and direct infringement of the Act of Union;\* and in reference to this portion of the sub-

\* A remarkable feature in this debate is the jealousy so unexpectedly evinced in behalf of the Act of Union, and of the *Established Church of Scotland*, (the Presbyterian Church,) by those right reverend bishops who opposed the prayer of the petitioners. The petitioners, judging from what they know of the feeling in Scotland, did not think it very probable that any opposition to the offices of an English bishop, exercising *spiritual* control over English *congregations* in Scotland, would proceed from the Presbyterians. But, in anticipation of difficulties of another kind, they took the precaution to add the following clause to the prayer of the petition:—"Or, may it please your Lordships to adopt ANY OTHER

ject, he could not but say that, while he was sensible that far higher considerations were involved in this question than those arising from the enactments of human law, it was nevertheless the case, that as being himself the minister of a church endowed and established by the law of the land, he felt it to be his bounden duty to desire to deal very carefully and respectfully with the rights and privileges of those who in this respect stood upon the same foundation as the church to which he belonged. Other considerations, however, there were, which came home to his feelings more strongly than these. On other grounds he had no hesitation in expressing the sympathy he felt for a church in the situation of the Episcopal Church in Scotland. It did not forfeit its title to our respect because it was not endowed or established by law. He felt sympathy with it as being a church holding in purity all the fundamental verities of the Christian faith. He felt sympathy with it as being a church which had maintained through almost unexampled difficulties the true form and constitution of apostolic polity. He did not indeed assert that in it no errors or blemishes in doctrine or discipline could be found. It was not reasonable to ask for this; for infallibility

COURSE of proceeding which to your Lordships may appear most expedient, for the purpose of placing your petitioners on such a footing in this country as to give them all the advantages of the discipline of their own church?"

The Bishop of Salisbury promised to state distinctly the "precise words" in which the prayer of the petition was conveyed, and yet his Lordship omitted altogether to quote the above important and concluding part of it. Hence arose the error of dwelling almost exclusively on the possible violation of the Act of Union.

and immunity from error was a claim which he would not put forth either on behalf of that Church or of his own.\* He loved and honoured the church to which he belonged, and of which he was a minister, and he valued the Liturgy which it was his privilege to use. He prized it as much as any, and perhaps more than some, who now came forward to claim credit for its exclusive use. But if everything which might be alleged against the Church of England were to be dragged before their Lordships with the same perverse ingenuity with which defects had been sought in the sister Episcopal Church in Scotland, he was far from sure that a case might not be stated to their Lordships which would place the Church of England in a light not less invidious than that in which it had been the endeavour of some persons of late to hold up the Episcopal Church in Scotland to reprobation and

\* The obvious inference to be drawn from the sentiments expressed in this paragraph is, that the Bishop of Salisbury would advise members of the Church of England, when in Scotland, to submit to the Scottish Episcopal Church, because, although possibly having "*errors or blemishes in doctrine*," it has preserved the form of Episcopal government. The petitioners, without offering any opinion on the preference manifested by others, are influenced by the determination rather to sacrifice the advantage of what is called "*apostolic polity*," than to communicate with a church whose accredited formularies are not *pure in doctrine*. They are thankful, however, for this admission on the part of the Bishop of Salisbury, that there may be "*errors or blemishes in the doctrine and discipline*" of the Scottish Episcopal Church; and, whilst they venture to differ from him by cherishing the belief that the Church of England, with all her faults, is free, in her formularies, from erroneous *doctrine*, they feel that now the only question between his Lordship and themselves is, in respect to what constitutes *fundamental*, as distinguished from *unimportant or immaterial error*.

contempt. But he at least would not scruple to say that he deemed the Church in Scotland to be entitled to the affection and respect of the members of the Church in this country. He for one would be no party to an unjust and ungenerous attack upon its rightful privileges, or its character as a pure branch of the Catholic Church. And whatever might be the aberrations of judgment or feeling in individual minds, he thought he might venture to assert that it was not on grounds like those which had that night been stated in their Lordships' House, that the great body of his right reverend brethren—that the great body of the clergy and laity of the Church of England—or their Lordship's House, would place themselves in an attitude of hostility towards a church which had, by a solemn act of the legislature, been recognized, as in communion with themselves. (Hear.)

After a few words from the Earl of SUFFOLK, who complained of a debate upon the presentation of a petition,

The Archbishop of CANTERBURY addressed the House as follows:—My Lords, the last words of my right reverend friend, in the excellent speech which he has just delivered, will afford the best opportunity of offering to your Lordships the few observations which I think it necessary to make on a subject which I regret should have been brought before your Lordships at all. For it is necessary that I should enter my protest against one proposal of the petitioners, which would place them under the jurisdiction of the Archbishop of Canterbury. My Lords, we all think more of our successors than of ourselves; and I will not allow my successor in the see to find Scotland

added to his province, in addition to the duties which are already prepared for him. My Lords, I agree with my right reverend friend in the sympathy which he has expressed for the Episcopal Church in Scotland, as a church with which we are in communion; and I regret that they who are united in their attachment to the same Episcopal government should not be united in the same body. But I also feel a sympathy with those clergymen of our church who, on removing into Scotland, are invited to subscribe to a different set of canons from those which they subscribed at their ordination. I feel a sympathy with those, who, having once declared their consent to the Liturgy of the United Church of England and Ireland, are unwilling to conform to a Liturgy different from that, in at least one, as it appears to me, important particular. I also feel a sympathy with those members of our Church who, residing in Scotland, are naturally desirous of enjoying the ministration of clergy whose sentiments are identified with their own. Having these views, my Lords, I shall remove one grievance complained of by the petitioners as far as concerns myself; and if any clergy circumstanced like themselves should be presented to a benefice in my diocese, I shall not scruple to receive him, without waiting for a mandamus, if he brings a sufficient testimonial of conduct and orthodoxy. (Hear, hear, hear.)

The Bishop of WORCESTER fully concurred in the prayer of the petition. He could not conceive that it was the intention of the legislature, when by the act of 1792 they granted toleration to the Episcopal Church in Scotland, to place members of the Church of England residing in Scotland in a worse position



than they were before the passing of that act. They then had a distinct status, acknowledged by several acts of parliament, and were frequently visited by English bishops, who performed episcopal offices among them. Why, then, should they be placed in a worse position because additional privileges were granted to another branch of the Episcopal Church? Knowing the important business which was expected to come before the House that evening, he would not detain them further except to say that he fully agreed in the sentiments of the most reverend prelate who had just addressed the House, and should be happy to admit into his diocese any clergyman who had been officiating in Scotland, and who brought with him the usual testimonia's of conduct and doctrine, although such testimonials might not have been countersigned by a Scotch bishop. He had further to add, that he had been requested by a right reverend prelate, the Bishop of Norwich, who had just left the House, to express his full concurrence in all the sentiments which he had ventured to express.

Lord BROUGHAM was gratified to hear what had fallen from the two excellent prelates who had just spoken. The grievance was, that the practice of the English bishops was not alike, and that clergymen in the predicament of the petitioners were driven from one diocese to another. (Hear.) No clergyman could be inducted to a benefice in one diocese by the bishop of another. (Hear.) If, for instance, a clergyman had a living presented to him in the diocese of Exeter, the Archbishop of Canterbury could not induct him. He must go to the bishop of the diocese in which the living was situate; and that bishop might think it his

duty not to induct him.\* (Hear.) This was a practical grievance. He trusted, however, that the public declaration of the most reverend prelate would go far towards removing the grievance. (Hear.)

The Duke of ARGYLL† said no one could feel more strongly than himself the difficulty and inconvenience of discussing subjects of this nature in such an assembly as their Lordship's House. Touching, on the one hand, upon questions which their Lordships might be called to decide in their judicial capacity; and, on the other, upon questions of religious principle concerning which he feared no great unanimity of opinion could be expected in the House; it was very difficult to pursue a middle course, and to keep to those great general principles which could alone be satisfactorily appealed to in such a case. (Hear.) Nevertheless, their Lordships would remember that, as one branch of the legislature, it was their undoubted right, and it had frequently been their duty, to legislate upon the ecclesiastical government of the English Church. (Hear.) They could not, therefore, be surprised if English clergymen, ministers of the Established Church, living in Scotland, and suffering as they conceived under a great grievance, addressed to their Lordships such petitions as that presented by the noble and learned Lord. (Hear.) The particular grievance of which these petitioners complained had

\* In which case the clergyman would have either to abandon the benefice or adopt legal proceedings.


† The Duke of Argyll and the Bishop of Exeter rose at the same time; but, in consequence of a general cry for the Duke to proceed, the Bishop resumed his seat.

been somewhat overlooked and underrated by the right reverend prelate, (the Bishop of Salisbury,) who spoke on behalf of the Bishop of London. That grievance he conceived to be this, that when English clergymen officiating in Scotland, may, from any cause, have incurred the displeasure of the bishops of the Scotch Episcopal body, difficulties were cast in their way on their return to England by those prelates of the English Church who sympathized in opinion with the Scottish bishops. He earnestly hoped, however, that this grievance would now be remedied by the excellent and truly Christian speech of the most reverend prelate, (the Archbishop of Canterbury,) and that the example which he, in his exalted station, had set, would be followed by all the right reverend prelates round him. (Hear, hear.) If such a course were followed, the grievance of which the petitioners complained, or which at least they dreaded, would be done away at once and for ever. (Hear.) If English clergymen, officiating in Scotland, who refused to connect themselves with the Scotch Episcopal body, found there was no real barrier, raised in consequence by the diocesans of their own church against their return to England, he did not think the petitioners would be disposed to ask their Lordships to sanction any territorial interference by the bishops of the Church of England upon Scotch ground. (Hear.) But that it was a real grievance which had driven the petitioners to approach that House, he would satisfactorily prove to their Lordships by a short statement of certain facts which had recently taken place. (Hear.) A clergyman of the English Church (the Rev. Sir W. Dunbar)

who, he believed, had been ordained by the Bishop of London,\* had for some time been officiating in Scotland as the minister of one of the congregations of English Episcopalians, not in connexion with the Scottish Episcopal Church. He and his congregation evinced a disposition to join the latter, the bishops of which, anxious for the union of the Episcopalians in one body, made overtures to that effect. They agreed to unite upon certain conditions which were put upon paper, and one of these was, that Sir W. Dunbar and his congregation should be entitled to use *exclusively* the Liturgy of the Church of England. He (the Duke of Argyll) would not enter into the question whether these conditions had been infringed or not, since this might come before their Lordships in another shape; but whatever might be the merits of this case, the Rev. Sir W. Dunbar and his congregation conceived that the conditions of union had been infringed by certain acts on the part of the bishop under whom they had conditionally placed themselves, and thereupon, as they had an unquestionable right to do, he and his congregation separated themselves from the communion of the Episcopal Church in Scotland. Now what was the course pursued? The Bishop of Aberdeen, who called himself the *Primus* of Scotland, Dr. Skinner, then published, not only in his own "diocese" or district, but all over the christian world, the document referred to by the noble and learned Lord (Lord Brougham)—a document which had been condemned by the highest judicial authority in Scotland, as containing language that was "unpardonable."


\* Sir W. Dunbar was ordained by the late Bishop of Bath and Wells, in 1832.

(Hear.) This letter of excommunication, for such it was, would come before their Lordships in their judicial capacity. (Hear.) Sir W. Dunbar appealed to the Court of Session, as he conceived that the publication of this paper was in the nature of a libel. The Court of Session had not actually found that it was a libel, but they found that the document was one which ought to go before a jury for its decision. Bishop Skinner then appealed against this judgment to their Lordship's House, and their Lordships would have to decide whether the question should be referred for damages to a jury or not. (Hear.) An excommunication in one sense, indeed, Bishop Skinner had a perfect right to issue: he had a right to declare that the connection of Sir W. Dunbar with his own body had ceased. But this was not the character of the document which he issued. It was one, published over the United Kingdom, intimated to the Archbishop of Canterbury, and sent even to the United States of America, purporting to deprive Sir W. Dunbar of the name and office of a minister in the Christian Church. Such a proceeding was justly held to be unwarrantable; and if supported by the prelates of the English Church, would be a great and intolerable grievance. (Hear.) He (the Duke of Argyll) was not one of those who were desirous of seeing the episcopal jurisdiction of the English bishops established in Scotland, as was prayed by the petitioners. On the contrary, he thought it would be unnecessary and inexpedient; but the petition contained an alternative, namely, that their Lordships "should adopt any other course of proceeding which might appear most expedient for the purpose of placing the petitioners on such a footing as



to give them all the advantages of the discipline of their own church." (Hear.) It was not for him to suggest the measures to be adopted for this purpose ; but he trusted that the excellent example of the most reverend prelate at the head of the Church would be sufficient for the purpose. (Hear.) The right reverend prelate who had spoken on behalf of the Bishop of London (the Bishop of Salisbury) had denied the allegation of the noble and learned Lord, that the Scottish bishops were not bishops because they were not established ; and he contended they were, notwithstanding, true bishops of the Christian Church. He (the Duke of Argyll) acknowledged them to be so. He did not maintain that a church not established by law, was therefore not entitled to the character of a church ; neither did he hold that a church not established was therefore not entitled to exercise spiritual jurisdiction : on the contrary, he maintained that every body of Christians had the right of spiritual jurisdiction over its own members, so far as that jurisdiction was exercised by their own consent ; but he most emphatically denied the right of any Body to excommunicate a clergyman who did not belong to its communion. (Hear.) And that really was the question raised by the petitioners. The Right Rev. Prelate (the Bishop of Salisbury) had also argued that differences in the liturgical services of two churches was no necessary bar to their communion. There also he (the Duke of Argyll) had the happiness to agree with the Right Rev. Prelate. He could well conceive churches differing greatly in many points, yet holding nearest communion with each other. It might be perfectly true also, as the Right Rev. Prelate had asserted, that many excellent

and able men, members of the Church of England, had seen no objection to that communion office which had been quoted by the noble and learned Lord (Brougham). But it remained equally true that many other men, equally able and equally excellent, had been of a different opinion. This was a point on which every man was entitled to act on his own views: and it was not only the right, but he (the Duke of Argyll) conceived it to be the duty of the Right-Rev. Prelates of the Church of England to protect every member of their own church, who conscientiously clung even to the very minutest words of her established Liturgy, and refused to adopt or even to use another. (Hear, hear.) If he were to speak on behalf of the body to which he belonged, the established branch of the Presbyterian Church, or of that to which his noble friend, the noble Marquis near him, belonged, (the Marquis of Breadalbane,) the Free Church, he should say that they took no interest whatever in this dispute. (Hear.) It was to them a matter of perfect indifference whether the prayer of this petition was attended to or disregarded by the Right Rev. Prelates. They would hardly care if the legislature should give, or attempt to give, a territorial jurisdiction in Scotland to the Right Rev. Prelates of the Church of England. No such jurisdiction could be given by any law, except as over those who might choose voluntarily to submit to it. The days were now passed when the excommunication of any bishop, or of any presbytery, could have any effect whatever, apart from the solidity of the grounds on which such sentences might proceed. (Hear, hear.) Those were not the days when a Roman Catholic Peer of England (Lord Beaumont) could declare



that the thunders of the Vatican itself were henceforth as harmless as the thunders of the stage,—those were not the days when the world could feel any very great alarm from the thunders of such powers as Bishop Skinner of Aberdeen. It was not, therefore, on behalf of Presbyterians that he took any part in this debate. But if he could conceive one blow heavier than another—one discouragement greater than another to the cause of Episcopacy in Scotland, or elsewhere, that “heavy blow and great discouragement” would be found in this:—that Bishops should be seen acting under the influence of so strong an “*esprit de corps*” as to support each other in the claim of an exclusive *territorial* jurisdiction, without reference to differences of religious faith—that was to say, without regard to the interests of truth—and in manifest, open contempt of the indisputable rights of the ministers and members of their own communion. (Hear, hear.)

The Bishop of EXETER said, he felt greatly obliged to the noble Duke, who, while he professed to be utterly indifferent in the question, as affecting a church to which he did not belong, nevertheless thought proper to give some little advice to the right reverend bench, as to the best mode of maintaining Episcopacy in Scotland. In all frankness, however, he must tell that noble Duke that, on such a matter, he was one of the last persons whose advice he should be inclined to seek or follow. In saying this, he was quite ready to give the noble Duke credit for the ability and kindness which he had testified on this occasion; but as for advice, that could usefully be given only by one who had sympathy and communion with those whom he advised. The noble Duke had



said that the time was gone by when Bishops might hope to influence the world by the terrors of an excommunication issued for no just cause. He (the Bishop of Exeter) was quite content that those times should have gone by for ever—he hoped that the time would never return when an excommunication without just cause should have any effect or influence. He would go further; he would express now, what he had before expressed in that House, and had also expressed publicly to his clergy, his earnest wish that excommunications of the Church of England, even for a just cause, had no temporal effect whatever. (Hear, hear.) He was averse to everything of that kind, and would rejoice to support any measure, from whatever quarter it might proceed, which would rescue the sentence of excommunication from the contumely under which it now laboured, of being an instrument of consigning persons to a gaol. (Hear.) But in saying this, did he mean to underrate the importance of excommunication? Far from it. The noble Duke might think little of such a sentence, even when inflicted for a just cause; but he would assure him that this was very far from being the way in which it was regarded by churchmen. By them, by members of the Church of England, he could assure the noble Duke, if he did not already know it, excommunication proceeding upon right grounds was regarded as a far heavier punishment than any which temporal law could inflict. If any of the clergy who have joined in this petition have been excommunicated justly, and on right grounds, he earnestly hoped it would please God to bring them to repentance, and thus save them from the awful consequences of their sinful perverseness.

He would gladly have abstained from offering these remarks, but they had been extorted from him by what had been said by the noble Duke.

They had heard something of "the question before the House;" but he must say that this was a very inaccurate mode of speaking. There was no question before the House, and it was ludicrous to speak of any such question. The petitioners themselves had disclaimed all present intention of raising a question; for in a paper which had, he believed, been distributed among their Lordships on that day, a copy of which he had himself received, they honestly avowed that, although in the petition they prayed for the induction of clergymen to charges in Scotland by English bishops, they did this only for the purpose of raising a discussion.\* As such only was their purpose, he could not but congratulate them on the success of their movement: they had raised a discussion; and thus they were the most successful of all the parties who heaped petitions on their Lordships' table—and he heartily wished that the petitions which had been presented to that House from hundreds and thousands of their countrymen during the last week, on a question which those petitioners felt to be of vital moment to them, had been equally successful. If they had, there would be at this moment much more of contentment and tranquillity in the country than he feared existed.

The petitioners had called themselves by a title to which, he must take leave to say, they had no right whatever. They called themselves members of the Church of England residing in Scotland. This was

\* Appendix H.

altogether a misnomer; there are no "members of the Church of England residing in Scotland;" there could not be any. He did not mean to say that there might not be members of the Church of England passing into Scotland for temporary purposes, who continued members of that church, even while they were in Scotland; but if they were settled in Scotland, whether natives of that country, or natives of England or Ireland, who had fixed their domicile in Scotland, and were permanently residing therein, he could not recognise such persons as members of the Church of England. He said this openly, in the presence of an unusually large number of his right reverend brethren, whom he rejoiced to see in their place on this occasion, and he earnestly entreated their attention to what he was then saying. He did not anticipate that any one of them would differ from him on the principle which he set forth; but if any one, or more than one, did differ from him, he hoped they would declare that difference, and prove him to be wrong, if they indeed held him to be so; that they would not, from any false delicacy towards an erring brother, forbear from expressing their condemnation of his doctrine if it were unsound.\* He declared, then,

\* The Archbishop of Canterbury and the Bishop of Worcester had already, in their respective speeches, recognised the petitioners as members of the Church of England in Scotland. The result of the debate shows that other English bishops also differ on this point from the Bishop of Exeter. See, at the end of the debate, a letter from the Archbishop of Canterbury, written last year, and in which his Grace, speaking of those in the position of the petitioners, distinctly calls them "*a large body of ministers and members of the Church of England in Scotland.*" It is, therefore, respectfully

that residing out of the limits of the Church of England there were no members of that particular church. The Church of England is a local church: a branch indeed of the Holy Catholic Church—and therefore all its members are in communion with the members of every other branch of the Catholic Church—and fellow-members with them of the Catholic Church. But beyond its limits the Church of England, as such, has no authority, no existence whatever. If members of that Church pass beyond its borders into the country of another particular Church, the Church of Scotland for instance, as in this case, they are bound by their duty as Catholic Christians to conform to the rules of the Church within whose limits they find themselves. They are bound to this obedience, even if they are merely passing travellers: much more if they are permanently resident, whether born in the country, or denizens therein. In this case, all true members of the Catholic Church are, and must hold themselves to be, members of that particular branch in whose country they are. These petitioners, therefore, were not what they called themselves, “members of the Church of England residing in Scotland;” but if they were members of the Catholic Church—and God forbid that they should not be so regarded!—they were members, not of the Church of England, but of the Church of Scotland. They were not entitled, on the one hand, to claim exemption from any of the laws which were of general application in that church, nor could they, on the other hand, under the denomination of mem-

submitted to the Bishop of Exeter that the petitioners, in calling themselves “members of the Church of England residing in Scotland,” have not adopted a “*misnomer*.”

bers of the Church of England—a denomination which did not, and could not, belong to them in Scotland—be entitled, beyond the limits of the Church of England, to any privileges they may have possessed in England. He emphatically repeated, that when in another land they found any branch of the Apostolic Church planted there by God's providence, they were bound to conform to its discipline, and to communicate with it in its offices. They were not bound to communicate with it, if it were schismatical, or if its terms of communion were such that they could not communicate with it, as was the case of most of the continental churches, without sin. This was the only consideration which excused from the duty of communicating with the Church within whose limits they might be.\* But he confidently held, that no member of the Church of England, going into Scotland, has a right to keep aloof from the Church of Scotland, in religious offices, whatever preference he may feel to the offices of the Church of England. For the Church of Scotland, as every one who looked to its Articles, (which were in truth identical with our own,) or to its polity and its discipline, must admit, is a branch of the Holy Catholic and Apostolic Church. As such it has a right to devise forms and ceremonies for itself. That right is expressly affirmed for it by

\* The Bishop of Exeter, by this necessary admission, justifies the petitioners, who refuse to join the Scottish bishops, on account of a conscientious belief that the Episcopal Church in Scotland is opposed to the principles of the Gospel of Christ. His Lordship may entertain a different opinion. But the petitioners, believing, as they do, are acting precisely in accordance with the above admission.

- our own Church : insomuch that if one of his own clergy were openly to publish that any Church—whether the Church of England or the Church of Scotland—has not such right, he should feel it his duty to proceed against him for such denial. [Universal laughter, in which the bishop himself joined.] Yes ; he repeated the declaration ; if any one of his clergy should publicly and deliberately affirm that a particular Church (the Church of Scotland, for instance,) hath not, as such, authority to ordain, change, and abolish ceremonies or rites of the Church—or if he should in like manner maintain that any person within the limits of such Church may willingly, purposely, and openly break its rites and ceremonies—such clergyman would thereby maintain what is directly contrary to the Articles of our own Church, and he should, in the honest discharge of his duty as a Bishop, proceed against the offender accordingly.\* (Hear.)

So far as he had perused the petition—which was of a most unreadable length—he could not see what grounds the petitioners had for coming before their Lordships. Scotland, so far as its Church was concerned, was to that House, under the act of union, as much a foreign country as any the most remote. Their Lordships had just as much to do with the discipline and doctrines of a Church at Constantinople. It was clear that they had no right at all to legislate about the doctrines and usages of the Church of Scotland.†

LORD BROUGHAM. Not the Church of Scotland, but the Episcopal Church *in* Scotland. (Hear.)

\* Appendix I.

† There is not one word in the petition that conveys the idea which the Bishop of Exeter is here combating.

The Bishop of EXETER. Notwithstanding the correction of the noble and learned Lord, I shall call it what I please. (A laugh.) I feel bound, with my right reverend brethren, to acknowledge it as a Church in communion with our own.

Lord BROUGHAM.—Aye, aye, that may be; but the title you give it is contrary to the terms of the Act of Parliament. (Hear.)

The Bishop of EXETER hoped the noble and learned Lord would spare his interruptions. If he were speaking contrary to an Act of Parliament, the noble and learned Lord might move that his words be taken down. (A laugh.)

Lord BROUGHAM.—But I sha'n't: oh, no! (Laughter.)

The Bishop of EXETER wished the words of noble Lords and of noble and learned Lords were often taken down. It would add much to the order and regularity of their Lordships' proceedings. He hoped, however, that on this occasion the noble and learned Lord would, for once, set an example of patience, (a laugh,) and allow him to proceed with his observations.

The noble and learned lord had remarked, somewhat unfairly he thought, on the difference of the conduct of the Bishops of the Church of England and the Bishops of Scotland, in respect to the Revolution, and to the political settlements consequent on that event. The Church of England had taken a prominent part in forwarding the Revolution, and the transfer of the crown, on the abdication of James II., to King William and Queen Mary. The Church of

England was bound by its highest duty to cast off allegiance to James, because, in addition to the various oppressions which he had heaped upon it, he had sought, in the character of its supreme governor, to force upon it the adoption of doctrines which it deemed heretical, and which were directly contrary to those which it was under the most sacred obligations to maintain. Having thus cast off allegiance to James, it did not recognize the claims of his descendants. But the case of the Church of Scotland was wholly different. It continued to maintain the duty of allegiance to king James II.

A NOBLE LORD.—That was a question for the people.

The Bishop of EXETER would not go into the question about the people. He was speaking of the Church: and what he said was, that James II. never tyrannized over the Church of Scotland, or harassed it with oppressions. On the contrary, it was perfectly notorious that he had striven, often most injudiciously, often most unjustly, often in ways which were contrary to the wishes of the Church itself, to maintain and to advance what he thought the interests of that Church. It happened that, at the time when the Revolution took place, there was in London a deputation of Scotch Bishops, sent with some address to King James. When James left the kingdom, William authorised a direct offer to be made to these Bishops, that if they and the rest of the Bishops of Scotland would give in their adhesion to his government, he would maintain their Church in all its existing rights and privileges.\*

\* The Scottish Episcopalians lay considerable stress on the circumstance here stated by the Bishop of Exeter, and their own his-



Those Bishops, and their colleagues, felt that they and their Church had suffered no wrong from James, and therefore that they had no right to abandon their sworn allegiance to him. Under such circumstances, they adhered, at whatever sacrifice of their own and their Church's interests, to the cause of their exiled sovereign. He (the Bishop of Exeter) honoured them for this their loyalty to the king, and faithfulness to their oaths.

He would not enter into the history of the rebellions of 1715 and 1745, in which he freely admitted that many of the members of the Scottish Church were actively engaged; and many—almost all, it may be—of its clergy were ardent partizans. By their conscientious principles they were bound to be so; and most honourably, at whatever hazard, they acted on those principles. He revered their memory for thus acting. But the noble and learned Lord had remarked with some severity on the pertinacious resistance of the clergy and others of that Church, to the just claims of the House of Brunswick, even after the claims of the House of Stewart had been buried in the grave of the last descendant of James II. Now what was the fact? Instead of the reluctance and hesitation of which the noble and learned Lord had spoken, no

torians lose no opportunity of proclaiming it. According to their statement, (which however requires corroboration,) the Prince of Orange, after landing in England in 1688, made a promise to the Scotch bishops that, if they would assist him in Scotland, he would "support their church and order, and throw off the Presbyterians." Bishop Rose, of Edinburgh, replied that he would serve the prince "so far as law, reason, and conscience would allow him." See Skinner's *Annals*, preface, p. xvi. xvii.

sooner did they hear that Cardinal York (King Henry the Ninth, as they thought themselves bound to consider him) was no more, than, of their own accord, the clergy of Scotland unanimously resolved, in their synod, that they might, and therefore ought to, pray by name for the reigning prince and his royal family—and the Bishops formally communicated their resolution to the Secretary of State, and requested him to lay it at the foot of the throne. This was done, and King George the Third justly recognised in the faithfulness of these men to their ancient principles a pledge of their devoted loyalty to himself, now that those principles were on the side of their duty to him. True, some years elapsed—by reason of difficulties, raised chiefly by the then Chancellor, Lord Thurlow—before they were admitted to all the privileges which the other bodies in Scotland, not members of the Presbyterian kirk, enjoyed. They were at length placed in the position of a tolerated church; and more than this they never asked. But even of this, even of the position and the rights of a tolerated church, the present petition sought, in the most important particulars, to deprive them. That church would be no longer dealt with, as even a tolerated church, if their Lordships, whilst they allowed all civil and political privileges to be preserved to its members, should yet, at the bidding of these petitioners, legislate for it as a church.\*

\* It is to be regretted that the Bishop of Exeter had not read the petition before he entered into the debate. It will be observed by those who peruse the document, that his Lordship's observations in the above sentence are quite irrelevant. The petitioners have emphatically declared that they do not wish to interfere with the

They had heard much of the difference between the Scotch and the English Liturgies. But were their Lordships aware, that at no period whatever, since the Reformation, would the Scotch Church accept the English Liturgy? Even in 1637, when Charles I. was anxious to prevail on that church to form a settled book of public divine worship, and when its Bishops were quite disposed to comply with this wish, they declined to accept the English book exactly as it stood. They told Archbishop Laud, who pressed that book upon them, that their doing so would be regarded in Scotland with much jealousy, as an abandonment of the independence of their church. They further said, we think highly of your English Liturgy, but there are deficiencies in it, as it at present stands, which we will supply. They therefore formed the Communion Office mainly on the first book of King Edward VI., while the Church of England continued to use the Office as altered in Edward's second book. Such was the origin of the Scottish Liturgy, as contradistinguished from the English. He did not mean to say that no alterations had since been made, (hear,) but such was the origin of the Scottish Liturgy; and he might remind their Lordships that many of the greatest of English divines—he would name Bishop Stillingfleet, Archbishop Sharp, Bishop Bull, Bishop Wilson, Dr. Waterland, Bishop Horne, Bishop Horsley—preferred the Scottish Liturgy, or at least the Communion Office in

Scottish Episcopal Church. But they protest against this Church, which, as the Bishop of Exeter has just observed, “asked only for toleration,” being allowed, now that toleration is granted, to usurp authority over the members of another communion.

the first book of King Edward, on which it was founded.\*

The noble and learned Lord had somewhat invidiously alluded to the title of *Primus* borne by Bishop Skinner, and had said he almost called himself *Primate*. The title of *Primus* had been held in the Scottish Church from the earliest ages. There never had been a *Primate* of the Scottish Church.

LORD BROUGHAM.—No. The Revolution abolished it. (Hear.)

The Bishop of EXETER cared not for the Revolution, (a laugh,) and he cared nothing for the contradiction of the noble and learned Lord, though he might be more formidable than the Revolution. (Renewed laughter.) The title of the principal bishop of the Scottish Church had been *Primus*, and not *Primate*, from the earliest times. With regard to the orthodoxy of the present Scottish communion office, which was drawn up in 1765, he would quote the opinion of Bishop Horsley.† Bishop Horsley, more than forty years ago, wrote the following letter on this subject to the Rev. John Skinner, now Bishop Skinner:—‡

\* Appendix K.

† To those who are familiar with this controversy, it is quite amusing to notice how, *on every possible occasion*, in letters, speeches, pamphlets, and histories, the name of *Bishop Horsley* is quoted in favour of the Scottish Communion Office, as if the voice of the deceased prelate, however respectable a critic whilst he lived, could determine a question which the members of our Church must, in their own generation, decide for themselves.

‡ This is a slight inaccuracy on the part of the Bishop of Exeter. The letter of Bishop Horsley was addressed to Mr. Skinner, a clergyman at Forfar, and brother to the present Bishop (William) Skinner, of Aberdeen. See *Annals*, p. 439.

" London, June 7, 1806.

" My dear Sir,

" With respect to the comparative merit, of the two offices for England and Scotland, I have no scruple in declaring to you what some years since I declared to Bishop Abernethy Drummond,—that I think the Scottish office more conformable to the primitive models, and, in my judgment, more edifying than that which we now use ; insomuch that, were I at liberty to follow my own private judgment, *I would myself use the Scottish office in preference.* The alterations which were made in the Communion Service as it stood in the first book of Edward the Sixth, to humour the Calvinists, were, in my opinion, much for the worse ; nevertheless, I think our present office very good, our form of consecration of the elements is sufficient ; I mean that the elements are consecrated by it, and made the body and blood of Christ, in the sense in which our Lord himself said that the bread and wine were his body and blood.

" I am, my dear Sir,

" Your affectionate and faithful servant,

" S. ST. ASAPH."

Having this authority, the testimony of Bishop Horsley to the orthodoxy of the Scottish Office, he (the Bishop of Exeter) was content to hear the petitioners, and even the noble and learned Lord, talk of that Office as favouring transubstantiation. In the petition, an assertion was made to which the noble and learned Lord had referred most energetically. It was there said that the clergy of the Scottish Episcopal Church subscribed the Thirty-nine Articles with a mental reservation ; and in proof of this the petitioners quoted from Skinner's Annals, Appendix, page 547, an address of Bishop Jolly to Convocation, but they stopped short in their quotation at the very point at which the passage they were quoting entered into an explanation which negatived the charge made against the Church. Bishop Jolly said,

“In adopting, therefore, the Articles of the United Church of England and Ireland, as the Articles of our Church, we must be candidly understood as taking them in unison with that book, and not thinking any expressions with regard to the Lord’s Supper in the least inimical to our practice at the altar in the use of the Scottish Communion Office.”

There ended the quotation ; but Bishop Jolly went on to say—

“In which we are supported by the first reformed Liturgy of England, not to look to all the ancient Liturgies, which prevailed long before the corruptions of popery had a being. Some of the greatest divines of the Church of England, Poinet, Andrews, Laud, Heylin, Mede, Taylor, Bull, Johnson, and many others, have asserted and maintained the doctrine which, in that office (the first reformed Liturgy of England) is reduced to practice. Yet these divines did all subscribe the Thirty-nine Articles, and must therefore have understood them consistently with their belief of the commemorative sacrifice of the holy Eucharist, using the present Liturgy of the Church of England as comprehending it. Our subscribing them in Scotland cannot then be justly interpreted as an inconsistency with it, since our belief is diametrically opposed to the corrupt sacrifice of the mass, which, with all the other errors and corruptions of Rome, none more heartily renounce and detest than we in Scotland do, with safety always to those truly Catholic primitive doctrines and practices whereof these errors and novelties are the corruption.”\*

What, too, would their Lordships think, when he told them that the American Episcopal Church, which had sprung up since the Declaration of Independence, had adopted for its guide the first Book of Common Prayer of Edward VI., as the Scottish Church had, and that the Liturgy of both was in most respects almost identical?† In answer to what had been said respecting the Church of Scotland making canons, he

\* Appendix L.

† Appendix M.

must insist upon its right to do so—a right which essentially belonged to it as a Church.\* It was true, the Church of Scotland could not enforce its canons by any temporal penalties, but it could enforce them by spiritual penalties; and indeed it was bound so to enforce them, even if those penalties went so far as excommunication. He would not, however, enter into this question, which was about to come before their Lordships in the form of an appeal. The principle for which he contended had nothing to do with the law of man. It rested entirely upon the laws which governed the Church of Christ, whether the law of the land did, or did not, recognise the right of the Bishops of Scotland to make canons, and the right of those Bishops to enforce the canons so made; the law of Christ recognised that right, and he trusted the Bishops would continue to exercise it, whatever might be the temporal consequences. (Hear.)

The Bishop of CASHEL said, he must ask permission to say a few words on this question. He promised to take up but little of their Lordships' time. The question was one between the members of the United Church of England and Ireland residing in Scotland, and the members of the Episcopal Church in Scotland. He would shortly mention how he came to be mixed up in the matter. In the year 1845 he received a

\* The petitioners do not deny—on the contrary they explicitly grant (see the last paragraph before the prayer of the petition)—the right of the Scottish Episcopal Church to form and to alter its own canons; but they peremptorily refuse, as members of the Church of England, to acknowledge those foreign and uncertain canons as binding upon themselves. See Appendix E.

letter from Dr. Low, the Bishop of Moray, in the Episcopal Church, asking him whether he sympathized with those who had separated from that communion. His reply was, that as his opinion had been asked, he felt called upon to say candidly that he did sympathize with those who separated for the truth's sake; (hear;) and that he was of opinion that the members of the Church of England in Scotland were not bound to maintain communion with the Episcopal Church in Scotland, if that Church were in error, any more than they were bound to maintain communion with the Episcopal Church in Rome, or the Episcopal Church in France. (Hear, hear.) The members of the Church of England in Scotland did not submit to the jurisdiction of, and hold communion with, the Bishops of that country, upon the plain and intelligible ground that they conceived there were errors in the doctrines as exhibited in the Liturgy of their Church. (Hear.) He could not hold with the position laid down by the Right Rev. Prelate, (the Bishop of Exeter,) that members of the Church of England, if they crossed the border, were bound to put themselves in communion with, and submit themselves to, the authority of those who assumed to themselves the title of Bishops of that country, without taking into account either the source from which they derived that authority, or the truth or falsehood of the doctrines which they taught. This was a position which he was not prepared to hear from a Bishop of the Reformed Church of England. If we admit the principle of total submission to Episcopacy as such, we could not justify our Reformation. We should be forced, in consistency, to acknowledge the authority of the Bishops of the Roman Church,



whose orderly Episcopacy we have never questioned, but from whom we have separated on the ground that they have substituted error for truth. We should be as much bound to be Romanists, once we passed into France or Italy, as to join the Episcopal Church in Scotland when once we passed the Tweed. (Hear.) The Right Rev. Prelate had spoken of the two Common Prayer Books of Edward the Sixth, as if he held them to be alike in doctrine and authority. They were, however, materially different in some most important particulars. The first book of Common Prayer of Edward the Sixth was unquestionably a wonderful production, considering the circumstances of the age in which it was compiled, and that our reformers had only then begun to open their eyes to the errors of popery. (Hear.) It was not surprising, then, that at such a period some remnants of popery should be found in this Prayer Book. The Right Rev. Prelate very well knew that in the first book of Common Prayer, published in 1549, the name given to the Communion Service was "the Mass," and that it also spoke uniformly of "the altar," and "the sacrifice." In short, the language of the Communion Service in this first book was in harmony and unison with these doctrines of a sacrifice and an altar, which are rejected in our Church. There was no blame, however, to be attached to the compilers of this book, because, on studying the subject, they obtained more light; and in 1552 the Reformers brought forward another Prayer Book, less in conformity with the doctrines taught by the Church of Rome, and more in accordance with the doctrines of Protestantism. Bishop Horsley, he knew, had written in praise of the first

Prayer Book, but persons who had investigated the subject might disagree from the conclusions of that learned prelate ; and if they thought the second Prayer Book contained sounder doctrine, there was no reason why they should be compelled to use the first, of which they disapproved, instead of the second, of which they approved, and which was deliberately substituted by our Reformers, Cranmer and the others. (Hear, hear.) He would take the liberty of reminding their Lordships that the Bishops of the Episcopal Church in Scotland cannot avail themselves of the approbation given by Bishop Horsley or others to the Prayer Book of 1549, for they were not content with such a retrograde movement in the direction towards Rome as would be involved in going back to that service, but have altered its language (hear, hear) so as to make it favour the Romish doctrine of transubstantiation more than any formulary that has been adopted in any reformed church, using these words, “ Bless and sanctify with thy word and Holy Spirit these thy gifts and creatures of bread and wine, that they may *become* the body and blood of thy most dearly beloved Son.” (Hear, hear.) The 21st canon of the Scotch Episcopal Church has made the Scotch Communion Office to be of primary authority ; but they have lately altered that canon much for the worse. (Hear, hear.) In the beginning of the present century the canon ran thus : “ No alteration or interpolation whatever shall take place, nor shall any change from the one to the other be admitted, unless it be agreeable to the minister and his congregation, and approved of by the Bishop.” But in the last edition of the canons, they have left out the former part of the sentence, and re-

tained only “unless approved of by the Bishop.” By which change in the canon a Church of England congregation, if they put themselves under the jurisdiction of a Scottish Bishop, have no security that they shall not be deprived of the holy communion, or forced to receive it according to a form which appears to them to savour of the doctrine of transubstantiation.\* (Hear.) But what the petitioners sought was this, that the members of the Church of England in Scotland should have the Communion Service celebrated according to the form of the Church of England, to which they belonged; and that a clergyman celebrating the Sacrament of the Lord’s Supper in that form, should be liable to no censure for it in Scotland; and when he left Scotland, should be liable to no censure from the Bishops of the English Church because he had adhered to the Liturgy and Articles of the United Church of England and Ireland. (Hear.) The noble Duke (the Duke of Argyll) had referred to the excommunication of Sir William Dunbar, of whom it is necessary to state, that he, from a spirit of peace, agreed to join the Scottish Episcopal Church; but he did it upon certain terms, one of which was, that he was to use the English Liturgy, and that alone. Subsequently to this there was an ordination, at which Sir William Dunbar preached; the Communion was administered according to the Scottish office, and Sir William withdrew without having partaken of it; he was reprovved by the Bishop, and told that the next time he acted so, his conduct would be made the subject of ecclesiastical censure and procedure. This, and other circumstances of the same kind, forced him to dissolve

\* Appendix N.

his connexion with the Scottish Episcopal Church, on account of which the Bishop issued the sentence of excommunication. On an action being brought into the Scotch courts, one of the judges said, "I cannot certainly hold that there is no difference between the Scotch and English Communion Offices, and while I do not wish to enter into this theological question, I cannot, at the same time, overlook the circumstance that a large part of the Episcopal world think that the Communion Service of the Scotch Episcopal Church teaches the doctrine of transubstantiation. Now as the service of the Church of England, for which this congregation stipulated expressly, excludes that, I cannot therefore hold a matter of this kind to be unimportant." \* Another judge said, "It is said, among other things, that the pursuer has committed a violation of his ordination vows. To me he seems rather to have been a martyr to his ordination vows. These were taken to an English Bishop, and included an engagement to uphold and adhere to the Liturgy of that Church; and it is manifest that the separation which is here stigmatized as sinful and schismatical, was prompted mainly by a desire to adhere to the Liturgy."†

In order to support the prayer of the petitioners, it is

\* Extract from Lord Mackenzie's Opinion, delivered in the Court of Session, March 3rd, 1849, in the case of the Rev. Sir William Dunbar, Bart., *versus* Bishop Skinner, D.D., of Aberdeen, as reported in the Edinburgh Evening Courant of March 5th.

† Extract from the Opinion of Lord Jeffrey. See the "Report of the Speeches of Counsel, and the Opinions of the Judges in the First Division of the Court of Session, March 3rd, 1849, published by William Blackwood and Sons, Edinburgh and London," p. 120. See also Appendix O.

only necessary to show that there exists a material difference between them and the tenets of the Episcopal Church in Scotland, without going here into a theological discussion as to which is right and which is wrong. It is enough to establish the essential difference. It is strong evidence to this point to give the opinion of the judges who considered the case, but the existence of this difference has been strongly stated in a sermon preached before the bishop and clergy of the diocese of Aberdeen in synod assembled, by the Rev. P. Cheyne, minister of St. John's, Aberdeen. After having spoken with disapprobation of the two communion services being allowed to be used in the Episcopal Churches, Mr. Cheyne thus proceeds:—

“ Many new congregations have been established of late years : in how many of them is the ‘ communion office ’ of the Church used according to the twenty-first canon ? That canon secures the use of the English office to all congregations ‘ where it had been previously in use ’—previously, i. e. to the *union* referred to. But that permission extended to no congregations formed *subsequently* ; they are subject to the general rule, and ought to have the eucharist administered by the ‘ authorized service.’ No new congregation has a right to choose which service shall be adopted ; the contrary has indeed been asserted and acted upon, but it is quite inconsistent with the terms of the canon. The only imaginable exception are congregations of *native English or Irish*, who, according to the practice of the Church, may be permitted the use of their own rites. The Church has been involved in inextricable embarrassments by the vacillating course adopted in this matter. Not the least of these embarrassments is the admission of inconsistent doctrines upon this, the most awful of all subjects. Yet is it not so ? Are not inconsistent doctrines taught and tolerated among us ? No doctrines can be conceived more inconsistent than that which inculcates belief in the real presence of Christ in the eucharist, and that which rejects it as popery, and teaches us that He is no more present there than He is anywhere else, where two or three are gathered together for prayer. Or again, what can be more inconsistent than

the doctrine of the sacrifice and the direct denial of it? or the belief of its propitiatory nature, and the unqualified condemnation of it? Yet these 'discordant utterances' are heard on every side; and though one set of these doctrines is plainly and confessedly anti-catholic, it takes refuge under the indefinite and halting testimony of the English Liturgy, and there finds it; and is not this to speak with 'stammering lips?' " \*

He (the Bishop of Cashel) could not express his sentiments as to the duty that binds a man when he is called upon to bear testimony to what he considers to be truth, better than in the words of the letter he wrote in 1845.† He would read the following extract:—

"I find, I think, in our Church two things, for which I love her—SCRIPTURAL TRUTH and SCRIPTURAL ORDER. I love her for both; but when I shall find these two separated, and I shall be obliged to choose whether I will hold to the truth and give up the order, or hold to the order and give up the truth, I shall feel myself bound to hold to the truth.

"If my own Episcopal Church should turn away from the truth—should declare the doctrine of her communion service to be uncatholic, and should introduce a service that speaks more like transubstantiation than ever was spoken by any church but the Church of Rome, I should feel myself bound to protest against her heresy, and to separate from her communion, though that separation, should involve the undesirable absence of Episcopal superintendence and control. How much more must I sympathise with Church of England men in Scotland, who upon the same ground separate themselves from a Church which has no hereditary claim to their submission—which is not the Church of their fathers, and had not been the cradle of their youth. If asked my opinion, I must say, 'Come out from her and be separate.' "

But dismissing the ground of the Episcopal Church

\* Appendix P.

† Letter from the Bishop of Cashel to Dr. Low, Bishop of the Scottish Episcopal District of Moray.

in Scotland having departed from the truth maintained in the Church of England, upon the principles of the highest churchmen, which give the highest authority to Episcopacy, the Episcopal Church in Scotland cannot claim the submission of true and obedient members of the Church of England. They are not the successors of the ancient Episcopal Church of Scotland: that came to an end, A. D. 1603. It was revived through consecration by bishops of the Church of England;—that, again, failed, and the Scottish Episcopal Church now derives its succession from, and traces its pedigree through, the non-juring bishops after the Revolution! If, then, an obedient member of the Church of England acknowledges the authority, and submits to the jurisdiction of the present line of bishops of England, he cannot acknowledge the authority of the non-juring bishops who were separated from the Church, nor of those consecrated by them;—yet such are the Scottish bishops!\* Neither a love for truth, nor a respect for legitimate Episcopal order, will allow a true intelligent member of the Church of England to join himself and submit himself, to the jurisdiction of the Scotch Episcopal Church, differing in its formularies and irregular in its succession. The thing that appeared to him unaccountable and unjustifiable was, that a man should solemnly swear that he would conform to the Liturgy of the Church of England, and after such a solemn engagement should join a church that declares to be of “primary authority” a communion service that so materially and evidently differs from that to which he has bound himself to conform. Again he would say, that to get rid of all

\* Appendix Q.

this reasoning by putting forward the paramount right of authority in the Episcopal office, irrespective of truth or order, is to set up a principle which would upset the Reformation, and force a man to be a Romanist when he passed into France or Italy, as well as make him a member of the Scotch Episcopal Church as soon as he passed the Tweed. (Hear, hear.)

The Earl of MINTO said, that like the noble Duke (the Duke of Argyll) he was totally indifferent, with regard to the two parties who were brought before their Lordships by this petition. They were both dissenting bodies from the Established Kirk of Scotland. He rose, therefore, for the purpose of saying, that whatever steps their Lordships might think proper to take, he trusted that, at least, nothing might be done to recognize any *status* whatever in the Episcopal Church in Scotland. The right reverend prelate (the Bishop of Exeter) had persisted in calling the Episcopal Church in Scotland "the Church of Scotland," and he had even said, he did not care for the Act of Parliament, he should continue to call it by that name. He (the Earl of Minto) asserted, that it was not the Episcopal Church of Scotland. There stood his assertion against that of the right reverend prelate, and he was willing to leave the House to judge between them. But he had something better than a mere assertion. He had the Act of Union, which would turn the balance in his favour. (Hear.) He protested against the idea that there existed an Episcopal Church in Scotland on any other footing than that of a sect. He did not, however, mean to deny, but that some grievances which it would be well to remove might have arisen to the petitioners out of the position of



the Episcopal Church in Scotland, under what remains of those statutes which had been directed against it at a time when politics and religion were more nearly connected than is, happily, the case in our day. These statutes he should be glad to see wholly repealed, and *all Episcopalians* in Scotland then placed on the same footing with every other class of dissenters in that country. (Hear.)

The Bishop of EXETER wished to say a few words in explanation, after what they had just heard from the noble Earl.

In the first place, he had not said, as the noble Earl had represented him to have said, that the Revolution was effected by the bishops and clergy of England. He had only said, that they, or the greater part of them, had been in favour of the Revolution, while the bishops and clergy in Scotland had with good reason been opposed to it.

Again, he had not uttered one word against the *status* given by the law of the land to the Kirk of Scotland as the Established Kirk; and he had disclaimed all wish to interfere with that *status*. He had dealt with the matter, as it came before them, on theological grounds,—on those grounds, he must, as a bishop, regard the Episcopal Church as the Church of Scotland; and so regarding it, he should have been unfaithful to his own principles, if he had been afraid of calling it by that name.

The Duke of BUCCLEUCH rose to address a few words to the House, more particularly in consequence of some observations which had fallen from the Right Rev. Prelate who had last addressed the House, (the Bishop of Cashel,) and because he was in the position

of one brought up and educated a member of the Church of England, of which he was still a member; and at the same time when in Scotland he considered himself to be in full communion with the Episcopal Church of Scotland. As far as his knowledge went, the Scotch Episcopalians did not claim the *status* of the Kirk of Scotland, but of the Episcopal Church in Scotland. They were satisfied with being in the full exercise of that form of worship of which their consciences approved; and it would be an unwarrantable interference on the part of the House to attempt to regulate its ecclesiastical government. Whatever might be said, as had been intimated by a noble Lord, as to its not being a Church, he maintained that it was a Church in every respect, possessing within itself all the component parts which constitute an Episcopal Church. The Scotch Episcopal Communion was recognised by the state in proclamations upon particular occasions, and other ways;\* it was recognised by, and was in full communion with the Church of England. He entirely repudiated the idea that their Liturgy implied participation in the errors of the Church of Rome. It was, however, a mistake to suppose that that part of it to which allusion had more particularly been made, the Communion Office, was imperative upon any congregation. Its use was optional. They might adopt either one or the other, either that of the Church of England or that of the Episcopalian Church: and in some cases, where there was a difference of opinion in a congregation, the two were used alternately.† He did not believe there was any connexion between the doctrines of the Scotch Episcopal Church and the errors of the

\* Appendix R.

† Appendix S.

Church of Rome. If he had, he would not have in any way become a member of that communion. But when he saw men, and eminent members of the English universities, and of unblemished reputation, of high acquirements and distinguished learning, of soundest views on theological subjects, accept the cure of souls, and become bishops in that Church, and when he saw them as ardent supporters of the doctrine and discipline of the Church of England as any right rev. prelate upon the bench opposite, he could not bring himself to believe that there was anything in the Liturgy or doctrine of the Church to justify the supposition of a Romish tendency, (hear,) which had been attributed to it by the right rev. prelate.\* He regretted to find that the petitioners complained of any grievances. He was unable to see how the House could in any way interfere, without involving an alteration or infringement of the Articles and Act of Union, which he felt confident would not be quietly acquiesced in by this portion of the kingdom, or be tamely submitted to by the other.

Lord BROUGHAM said, it seemed to be lost sight of and forgotten that the Bishops of the Scottish Episcopal Church would not grant to clergymen officiating in Episcopalian congregations not in communion with them, those testimonials which some English Bishops required before they would induct clergymen coming from Scotland into a benefice in England. The Scottish bishops required clergymen to subscribe their entire belief in and approval of the Liturgy of the Episcopalian Church, which many of them could not conscientiously. (Hear.)

\* Appendix T.

The Bishop of OXFORD said that he should not have risen to address their Lordships, had it not been for the remarks which the House had just heard from his right reverend friend near him, because he thought it most important not to allow such a speech as that right reverend prelate had delivered to go forth to the public—as undoubtedly it would go forth—without addressing a few remarks to the House on the scope and tendency of that speech. (Cries of “Order, order,” owing to some confusion either below the bar or near the throne.) He really must insist on being allowed to address the House without any interruptions such as those to which he was now exposed. (Cheers.) He begged those who caused these interruptions to remember that the matter before the House involved a very serious subject, and that many and great reasons existed why there should be given an answer to the speech of the right reverend prelate, and why that answer should receive all the attention to which it was fairly entitled. If any speech could produce such a result, he believed that the observations which the House had just heard from his right reverend friend would take away the beneficial and healing effects which had been brought about by the part which a most reverend prelate had taken in this matter, the whole tone and tenour of whose observations on the subject had been marked by a spirit well worthy of imitation. It had been stated that the Episcopal Church of Scotland, which was known to be in full communion with the Church of England, had suddenly found itself placed in circumstances of difficulty and embarrassment, but he hoped that a little further discussion would contribute to remove this difficulty, of

which he saw no other possible solution. It must be full in the recollection of their Lordships that proposition after proposition had been made and abandoned, and that after all no full solution of the difficulty had been accomplished. On the one hand they were told that the Episcopal Church of Scotland was in full communion with the Church of England, and on the other, his right reverend friend assured them that the communion service of that Church was more Popish—more ultra-Romish, than any office of their Liturgy. To that he should oppose the opinion expressed by the most reverend prelate (the late Archbishop of Canterbury, as we understood,) who distinctly affirmed that the Episcopal Church in Scotland was in full communion with the Church of England. With the leave of the House, he now proposed to call their attention to a short extract from the writings of Bishop Horsley, which he thought would very materially strengthen the view that he took of this part of the subject—a passage marked by the great vigour and strong sense which usually distinguished the works of that eminent prelate. It was in these words,—“ My Lords, an appointment to an Episcopal congregation in Scotland is no more a title to me or to any bishop of the English bench than an appointment to a church in Mesopotamia.\* Clergymen of English or Irish ordination exercising their functions in Scotland without uniting with the Scottish bishops are, in my judgment, doing nothing better than keeping alive a schism.”† He

\* From Bishop Horsley's Speech in the House of Lords, May 2nd, 1792. See *Annals of Scottish Episcopacy*, p. 211.

† Letter from Bishop Horsley to Dr. Alexander Grant. See *Annals*, p. 391. It will be seen that the Bishop of Oxford has quoted

should next call the attention of their Lordships to the following opinion which Lord Stowell had expressed upon this point:—"All that friendly and kind communication with our Episcopal brethren in Scotland can give, they may always command from the English bishops. But authority or jurisdiction in Peru is not more out of their thoughts than in Scotland." \* As full proof that the most reverend prelate to whose name he had already referred, the late Archbishop of Canterbury, clearly held the opinions which he imputed to him, he should trouble their Lordships with the following extract from one of his letters, dated the 19th of August, 1845:—"The Episcopal Church in Scotland is in communion with the United Church of England and Ireland, through the medium of her bishops, as, without referring further back, will appear from a recent act of the legislature, the 3rd and 4th Victoria, c. 33." In the same letter he also found the following passage:—"Of congregations in Scotland not acknowledging the spiritual jurisdiction of the bishop in whose diocese the chapels are situate, yet calling them-

from Bishop Horsley two *distinct* passages, delivered also on *two very different* occasions. Dr. Grant was an English clergyman officiating at Dundee, apart from Scottish Episcopacy, in 1805, and Bishop Horsley, being displeased at his determination, and because he had recently published a tract exposing the errors of the Scottish bishops, charged him with *schism*. However, in a letter to Bishop Skinner, written a few months before, Bishop Horsley uses more qualified language. Referring to the union that had taken place between some of the English chapels and the Scottish Episcopal Church, he says:—"A measure which wipes off from the English clergy the *imputation* of schism—a misprision [i. e. a slighting of the charge] of schism at least." *Annals*, p. 375.

\* Letter from Sir William Scott (afterwards Lord Stowell) to Sir William Forbes, Sept. 8th, 1805. *Annals*, p. 389. See Appendix U.

selves Episcopalian we know nothing. In order to prove their right to this designation, they should be able to show what bishop in England has authority, by law or by custom, to regulate their worship, and to direct or control their ministers in respect of discipline or doctrine." \* Was it, then, he would ask, a light matter that a right reverend prelate should stand up amongst their Lordships, and tell them that the Episcopal Church in Scotland was Romish—that it was sinful to be in communion with that Church—and that it was the duty of every right thinking Christian to "come out from amongst them and be separate?" Such assertions should not be lightly made, such advice should not be lightly given, and such subjects should not be lightly dealt with. Fortunately, however, such arguments as had been used by his right reverend friend might be completely shattered by the writings of the eminent authorities to which he had referred their Lordships. Further, he would say, that if they allowed their minds to be carried away by what they had heard from his right reverend friend, they would infer that the retention in the Scotch Liturgy of the prayer which proved the Protestantism of that Church was the best possible evidence of their Romanism. It was well known that the Roman Catholics held that the consecration prayer in their communion service effected a mysterious change in the substance of the elements, and left the quality unaltered. The prayer, which had reference to an alteration in the quality, was one which the Roman Catholics altogether rejected, while the Episcopal Church in Scotland rejected that which had a Popish tendency. The one

\* Appendix V.

had an oriental, the other a Latin origin. The one had reference to substance, the other to quality. Nothing appeared to him more unaccountable than that his right reverend friend should maintain that the Episcopal Church of Scotland was to be deemed ultra-Romish, because they continued to use a prayer that was beyond all controversy based on Protestantism. He would just quote this question and answer from the catechism of the Church in Scotland:—"Are the bread and wine not changed (by consecration)?—Yes, in their qualities, but not in their substance." Now it was well known that the Roman Catholics held that the change took place in the substance, and not in the quality; yet, because the Church in Scotland held doctrines diametrically opposite to the Church of Rome, they were said to be ultra-Romish. It was not in that way that brotherly love and concord were to be promoted, and what could be more dangerous, then, than to have it go forth uncontradicted, that the tendencies of that Church were Romish.\* Apart, however, from the arguments which the House had heard from his right reverend friend, there was a passage in Mr. Drummond's own pamphlet which disclosed a fact of no trifling importance, and which was set forth in these words:—"I wish likewise expressly to state, that the Scotch communion office was not the cause of my leaving the Scotch Episcopal Church. That I have distinctly made known in my *Reasons*."† Besides such admissions as these the House possessed for their guidance the full concurrence in opinion of all the great lights of the English Church to prove that the Episcopal Church in Scotland was in full communion

\* Appendix W.

† Appendix X.



with the Church of England. Doubtless their Lordships well knew that those who lived in civil society must surrender some portion of their natural liberty, in order to enjoy the advantages of the social state, and so it was in Christian churches. Men might in some respects wish to do otherwise than seemed best to their brethren. It might be more agreeable to them to do as they liked, but would that warrant them in separating from the religious body with which they ought to be connected? His right reverend friend had not untied the knot; he had cut it, when he said that we were in the same position with regard to Scotland as that in which we stood towards France. To suppose so was a grievous mistake; for we were not in communion with any French church. He begged them, if they began to legislate upon this subject, to do so with their eyes open; for they might be assured of this, that nothing could be more calculated to raise up religious strife than any attempt to begin a course of legislation upon that subject; for the people of the Established Church of Scotland were adverse to Romanism; 1st, because the Pope was a Roman Catholic; 2ndly, because they believed the papal power to be the scarlet lady; and, 3rdly, because he was a bishop. What then could be more impolitic and unwise than this interference with the Episcopal Church of Scotland? It appeared to him most clear that they had but one basis of legislation; that they could not proceed in the teeth of the Act of Union; that they could not proceed in spite of the feelings of the great mass of the people.\* One advantage, how-

\* It is affirmed, without fear of contradiction from the Presbyterians, that "the great mass of the people" in Scotland look upon

ever, might arise out of the present discussion—he hoped they would see from it the utter hopelessness of any attempt to legislate in the direction that had been indicated to them—that they would feel that they were “brethren, and should see that they did not fall out among themselves.” It appeared to him that they had no *locus standi* which would entitle them to interfere with the religious rites and religious observances of the people of Scotland. (Cheers.)

The Bishop of WORCESTER rose, and stated that, having been called upon by his right reverend brother to explain, he would detain the House a few minutes while he stated that he never dreamt of interfering with the established Presbyterian religion of Scotland; but he could not agree with the right reverend prelate, (the Bishop of Exeter,) that the Church of England was locally confined to England and Ireland. We acknowledged its existence in Jerusalem by appointing a bishop of the Church of England in Jerusalem, and a portion of it might exist in Scotland, though not in communion with the Episcopal Church there, which did not admit our Liturgy. (Hear, hear.)

The Earl of HARROWBY agreed with the reverend prelate, (the Bishop of Oxford,) that there was some difficulty in granting the prayer of the petitioners, in finding for them a proper *locus standi* before the House—but he could not call it an impossibility. It was, he imagined, as much open to parliament, if it should seem fit and expedient, to give to the Archbishop of Canterbury, or to some one of the English bishops, a

*Scottish Episcopacy* with sentiments of aversion, and that, on the other hand, the English Episcopalian congregations are regarded by them with feelings of respect.

qualified jurisdiction over clergymen of the Church of England and Ireland officiating in Scotland, as over such clergymen when officiating either in our colonies, as we still did in some cases, where bishops of our own Church were not established, or in foreign countries, where English chaplains were placed under some degree of subordination to the Bishop of London.\* If it was said the Act of Union stood in the way, he could not look at that as any real obstacle to such a qualified jurisdiction, any more than our want of political right to interfere with such matters in foreign countries prevented us from doing what was requisite in such cases for the regulation of our own worship without pretending to give or to interfere with civil rights. But he was not going to advocate interference by legislation as expedient. He thought there were many reasons why it was much better not to attempt it. He only wished on that point to protest against its being held to be impossible to give to English bishops a jurisdiction beyond their English dioceses, and even within the limits of Scotch dioceses, which the law of this country had never recognized. (Hear.) He (Lord Harrowby) did believe, that this case was one, for which the better remedy was to be looked for in the kind expression of sympathy which had been given utterance to by the most reverend prelate, (the Archbishop of Canterbury,) and by his declaration, that for his part, if he were properly assured of the character and attainments of any clergyman of the Church of England, who had been officiating to congregations in Scotland, he should not feel himself called upon to require any certificate, any *bene decessit*, from the bishop of the Scottish

\* Appendix Y.

Church, within whose assumed jurisdiction he had been serving. This, together with a similar declaration from several other prelates of the English Church, was, he believed, the best and most practical remedy for the real evil of which the petitioners complained. For what was the grievance—and a real grievance it was—that a clergyman of the Church of England, invited to officiate to members of his own church in Scotland, and sanctioned and encouraged in so doing by acts of the legislature, and by the former proceedings of the bishops of his own church, having taken upon himself at his ordination a vow and solemn engagement to use no other Liturgy but that of the Church of England, found himself, when in Scotland, involved in all sorts of difficulties and discouragements, if he did not at least occasionally use another Liturgy, that of the Church in Scotland, of which, though the reverend prelate (the Bishop of Oxford) had certainly very satisfactorily cleared it of the imputation of sanctioning directly Romish doctrines, yet he could not but confess, that it differed very materially from that of the Church of England, and contained some expressions, which at least will startle one accustomed to the English form—that, moreover, when the English clergyman, finding himself so situated, desired to return to England and to resume his duties in the Church in England, he found himself marked, as it were, with the finger of reprobation by at least many members of the right reverend bench, and indeed refused induction to a living or admission to a curacy within their dioceses, unless he returned with a certificate from the bishop of the Scottish Church within whose supposed or assumed jurisdiction he had laboured, which

certificate such bishop would only grant on subscription to a canon, which declared that the Scottish form of communion,—one differing materially from that of his own church,—was of *primary* authority. This was the grievance to the clergyman; and that to the laity professing in Scotland the doctrines of the Church of England, was, that such reprobation and such obstructions on the part of English bishops made it difficult for them to procure the services of clergymen of the Church of England, who were unwilling thus to expose themselves to the risk of being laid under the ban of their own superiors. Now this was a very real grievance, and one, which, however difficult or inexpedient it might be to attempt to remedy it by legislation, did not seem to be unworthy of their Lordships' attention, because it arose out of the acts, not simply of an unrecognised body, such as that of the Scottish bishops, who, in the eye of the law, whatever they might be in our regard as Episcopalians, were no more than members of a dissenting sect, but out of the acts of the bishops of the English Church, who gave, as it were, a legal force to the acts of this unrecognized body, so that they became the means of depriving English clergymen of their civil rights, and creating a civil disability. But for this sanction given by the English bishops, this quasi-legal effect by them to the punishment inflicted by the Scottish bishops on English clergymen whose only fault, if it was one, was too great an attachment to their own communion, too scrupulous an adherence to the vow of allegiance which they had made to the usages of their own church, there certainly would have been little ground for calling their Lordships' attention to the subject. As Episcopalians,

they might have regretted that bishops had by the assumption of their acts and the arrogance of their language, by the exercise of an authority and the use of language which had not been justified in that House, and which he (Lord Harrowby) was confident not one of the prelates on their Lordships' bench would have thought himself entitled in a similar case to employ in England, (hear, hear,) brought discredit on Episcopacy in the midst of a Presbyterian population, (hear,) and repelled those from coming within the mild and peaceful domain of the Episcopacy, who were wearied or offended by the discussions, which appeared to threaten the dissolution of the established Presbyterian Church. As Episcopalians, we might have lamented to see such discredit thrown upon that form of church government which we preferred; but the case would hardly have been one which could well have been brought before their Lordships, as affecting the rights of a portion of her Majesty's subjects, which, as the matter now stood, it undoubtedly did.\* The grievance, moreover, was the

\* Lord Harrowby has truly expressed the feelings of the petitioners, who, together with their clergymen, have been but little influenced by the arrogant and illegal conduct, or by the harsh and ungentlemanly language of some of the Scottish bishops. Their appeal to the British legislature has originated from the countenance which a few of the English bishops have given—given, too, in answer to *ex parte* statements, and, as respects members of their own church, ungenerously given—to the bishops in Scotland. Lord Harrowby is also correct in saying that the recent proceedings of the Scottish Episcopal Church has brought discredit upon Episcopacy in the midst of a Presbyterian country. And this feeling has been strengthened by those English bishops who, whilst co-operating with the bishops in Scotland in the defence of their assumed rights, do not appear to have uttered a single sentence condemnatory of the

more felt, because the course pursued was in a great degree a new one. The scruple was a new one. During the whole of the last century bishops of the English Church had not only felt no such respect for the jurisdiction of the Scottish bishops as to make their certificate an essential qualification for an English clergyman, who had been officiating within it, but they themselves, from time to time, exercised acts of jurisdiction within those very territorial limits. Bishop Gibson and Archbishop Secker both, if he remembered aright, ordained to chapels within the so-called diocese of Aberdeen, and a bishop of the Irish Church had made a tour of confirmation. The scruple, therefore, was new. It was true, that at that time those bishops were more under the persecution of the law than they were at present—but their creed was the same—they had not changed in doctrine. They were as much bishops during all that period as they were now, and therefore this scruple of interfering with the jurisdiction of another bishop, which seemed now to be so paramount to every other consideration, wore the appearance of harshness and inconsistency which gave increased bitterness to the feeling. He (Lord Harrowby) rejoiced, that an opportunity had been given by the presentation of the petition for an expression of opinion upon the subject. He had great hopes that the expressed opinions of the most reverend prelate and of several other prelates, would practically

transactions, or of the unbecoming phraseology which has called forth expressions of indignation from one end of Scotland to the other! The Duke of Argyll gave in his speech some good advice on this point, but the Bishop of Exeter, in ignorance of the real state of things in the north, did not perceive the importance of it.

provide, at least in a great degree, a remedy for a real grievance which, although, he believed, it was not impracticable, yet there were many reasons why it was inexpedient, as it was difficult, to reach by direct legislative interference..

The Earl of Powis said, during the period in which their Lordships had been engaged in discussing the question whether a member of the Church of England could conscientiously become a minister, or join in the services of the Episcopal Church of Scotland, they might, if not have disposed of the Navigation Bill in committee, at all events considered it somewhat fully. The whole of this discussion had arisen from the fact of a gentleman who had been a minister of the Church of England having afterwards become a minister of the Episcopal Church in Scotland. The question raised by the petition was, not whether an English clergyman might not perform the services of the Church, whether he was temporarily or permanently resident in Scotland, but whether he was justified in joining the Episcopal Church, and when he had fallen out with a bishop of that communion, he was to come complaining to their Lordships, and invoke the aid of parliament in the contest provoked by himself, by choosing to belong to that communion. Bishop Skinner had excommunicated Sir William Dunbar. But this was a case which certainly ought not to have been brought before their Lordships in this manner; and he must be permitted to say that the petition presented by the noble and learned Lord seemed calculated to prejudice an appeal between these gentlemen, which would shortly come before the House in its judicial capacity. The petition was nothing more than



a fishing petition. Its object was simply to prejudice the case of Bishop Skinner. He did not think, however, there was any fear of that from what he knew of their Lordships. He would not interfere with the merits of the question of *status*. All he wished was, that their Lordships should give to the Episcopal Church in Scotland what they were entitled to receive, a fair hearing; and he trusted that the interests of those who had appealed to that House on this subject would not be affected by anything which had been said during this debate.\*

The Earl of GALLOWAY trusted he should be permitted to offer one or two observations on the part of the petitioners, and most emphatically to disclaim the unworthy motives for approaching their Lordships' House which had been attributed to them by the noble Earl who had just spoken. He, (the Earl of Galloway,) on the contrary, believed their motives to be pure and just, and that they felt very sensibly that they had a grievance; and he needed not to remind their Lordships that in this country we were led to believe there was no wrong without a remedy, or, if none existed, one must be found. (Hear.) He too conscientiously believed that in this case there was a practical grievance, for which a remedy might be found without any unprecedented exercise of the powers of parliament, notwithstanding what had fallen from some of the right rev. prelates. The law as it stood was quite clear. It had been shown by the statute of the 10th of Anne, and he thought it had been admitted on all hands in the course of the debate, that it was

\* For some explanation of this extraordinary speech, see Appendix Z.

the intention of the parliament of that day to protect the Episcopalians in Scotland in the exercise of their faith, and in worshipping according to their conscience, and especially in the use of the Liturgy of the Church of England if they thought proper. But it had also been admitted that at a subsequent period, during troublous times and for political purposes, the legislature had deposed from their *status* the members of the Scottish Episcopal Church, depriving them of the benefit of the Act of Anne, and that it was not until the comparatively late period of 1792 that they were tolerated. Toleration, however, was then extended to them; and he now asked their Lordships if it was reasonable, when, under an act of toleration, the *status* they formerly held was revived, that they should now claim, and be permitted to exercise, a species of tyrannical jurisdiction (hear) or dominion over members of the other body—members of the Church of England in Scotland—who had never lost the *status* given to them by parliament in the before-mentioned act of Anne? Under such circumstances parliament would not be going beyond its jurisdiction to grant relief. For he confessed he had no sympathy whatever with some of the views of the right rev. prelate (the Bishop of Exeter) who had spoken on this subject, and who, in the course of his speech, had given expression to opinions which would sound strange in the ears of all the friends of civil and religious liberty in that house. The argument and restrictions of the right rev. prelate would go far to unchurch every denomination of Christians except the Episcopalians. But it should be remembered that pious and learned men had for ages differed as to the precise form and character of Epis-

copacy in its origin in the primitive Church. For while the opinion of some, which the Church of England thought right, had vested episcopal authority in the bishop, chosen from among, and elevated above the Presbyters, the opinion of others had vested it in the body of Presbyters, or Presbytery, as was the case with the Established Church of Scotland. And with respect to churchmanship, he (the Earl of Galloway) thought when discussing such matters, and bearing in mind what he had heard in the course of the debate, there was a very important distinction to be observed, and which ought not to be lost sight of; that there was, in fact, the outward and visible—or professing—Church, and the invisible and spiritual—or real—Church of Christ: the former comprehending within it, however differing, all bodies of Christians, and among them the Church of England, and the members of the Church of England in Scotland, the Established and endowed Church of Scotland, the Free Church of Scotland, the Scottish Episcopal Church, and—according to his views—also the Church of Rome: the latter comprehending from among these, those only who were born again of the Spirit, not known surely among men, but known to God. And these views he believed to accord, more nearly than those of the right rev. prelate to whom he had alluded, with the views generally entertained among the more liberal-minded of the true members of the Reformed Church of England.

But while much had been said that night about the persecution and hardships to which the ministers of the Church of England in Scotland had been exposed, comparatively little had been said of the hardships of the laity, of the increased difficulty entailed by the present state of

matters in the English congregations in Scotland to get suitable ministers, which went indirectly to defeat the protection which the legislature professed to extend to these bodies. Nor was it to be wondered at that English clergymen, without further encouragement, should hesitate to expose themselves to the evils complained of by the petitioners. There was, then, a practical grievance felt by members of the Church of England resident in Scotland, which he believed might be alleviated without arousing the jealousies with which they had been just threatened. He felt it in his own position: and he spoke from his heart when he said, it was felt as a grievance most deeply. He had not affixed his name to the petition, but he was in the predicament of the petitioners; and he would ask—in reference to what had fallen from the right rev. prelate—whether it was right that he, having been born, baptized, brought up, and confirmed in England, and in the Church of England, but having subsequently, by the accident of his birth, inherited property in another part of the kingdom, which enjoined on him the duty of residing in Scotland—that he and his family should thereby forfeit the privileges pertaining to his own church? (Hear, hear.) Being thus personally interested, it might not be considered irrelevant that he should mention that he had a chapel adjoining his residence in Scotland, where divine service was conducted according to the forms of the Church of England, and where many of his Presbyterian neighbours, who were free from prejudice, had often assembled with them for the worship of God and to hear the Gospel. He (the Earl of Galloway) had ever cultivated and exemplified feelings of the

highest respect for the Established Church of Scotland, and nothing would induce him to take part in any measure which he thought calculated to injure that venerable establishment. But he could not conceive that the Church of Scotland, strong in its own privileges, would entertain the jealousy, which had been supposed, of due protection to the members of the Church of England, residing within her borders, but not interfering with her polity. He did not disguise from himself that there were difficulties in the case, though they did not appear to him insurmountable when properly considered ; and he thought that without injury to the right rev. Bishops, either in England or in Scotland, and without doing violence to the Act of Union, there might be an extension by the powers of Parliament (the church and state being united and agreeing) of the English Episcopacy—not territorially, but spiritually—over members of the Church of England adhering to her communion, but residing in Scotland. At any rate, he rejoiced at the discussion of the question that evening, which, however unwelcome to some parties, he thought must do good, and he hoped that a practical remedy of a definite description would be found for the inconveniences and grievances of which the petitioners complained : feeling at the same time the strong assurance that, whatever the result in other respects, the sympathy which had been expressed in several quarters, and especially from the most reverend prelate, (the Archbishop of Canterbury,) who would do what was within his power to mitigate those inconveniences, would have a very beneficial influence. (Hear, hear.)

Lord BROUGHAM replied.—In rising at this hour,

said the noble and learned Lord, and upon this kind of question, I think I may ask your Lordships whether you have not had enough of it? (A laugh.) And I may venture to answer that question both for you and for myself in the affirmative. Nevertheless, though this question does not affect a very great body of our countrymen, it affects ten most respectable congregations, respectable both from their character, their property, and their station in society. (Hear, hear.) I must, however, begin by that which perhaps is the reason why I have risen to address your Lordships in reply at all; by taking notice of what has fallen from my noble friend behind me, (the Earl of Powis). I must give the most indignant denial to all that he has said respecting my conduct in the present debate, as in the slightest degree interfering with, or tending by possibility to interfere with, my judicial character in this house. I never heard, until he stated it, the fact of there being a cause in dependence before us. I of course never see the appeal list, except by accident from time to time: and even if I did see it, the names of the parties would be all I should see, and they would give me no information whatever with regard to the nature of the appeal. I therefore knew nothing whatever of there being any such cause under appeal before your Lordships; but even if I had known it, I appeal to every one of your Lordships present whether any one word that I said could tend in the slightest degree to commit me to any opinion whatever, upon any side of any question, for I gave no opinion. I purposely abstained from giving any opinion upon the question before you; much less could I give any opinion upon that which was not before you. (Hear,

hear.) I stand, therefore, as entirely uncommitted as if I had not presented this petition, or taken any part in this debate. (Hear, hear.)

And now I must say a word with regard to my right reverend friend upon the bench opposite (the Bishop of Oxford). He produced a catechism for the purpose of showing that there was no tendency towards transubstantiation in the doctrine of the Episcopal Church in Scotland. My Lords, you may prove anything by catechisms. The catechism quoted by my right reverend friend is not a document authorized by any synod, or by any assembly, even of this Scotch Church,—a mere sect of dissenters. It is the private catechism of one bishop, and every bishop may have his own, which may differ from that of every other. I myself have seen, since my right reverend friend addressed you, another catechism of nearly the same date, in which anything rather than Protestantism is laid down, and which certainly does tend very considerably towards Romanism—I should say even towards superstition. (Hear, hear.) Instead of taking the bread in the hand, between the finger and the thumb, the communicant is desired to lay his two hands across each other in the form of a cross, and to place the element upon one of them; and he is told at the same time that this represents the King upon the cross. (Hear.) I mention this without giving any opinion further than I have done; but for the purpose of showing how utterly futile any argument must be that is drawn from these catechisms.\* And now with regard to the principal

\* The Bishop of Oxford threatened to “shatter to pieces” the arguments of the Bishop of Cashel, and, for this purpose, he produced a few quotations. It appears, however, that the *Catechism*, in-

argument of the right rev. prelate, namely, that the Church in Scotland is a kind of extension of the Church of England, because it is in communion with that Church of England. I do not think that communion can be said to be very full which consists of the relation between the two churches that the act of parliament shows. (Hear.) I begged the right reverend prelate to tell me what he meant by the "full communion," and he referred me to an act of parliament, saying he was afraid of being taken in, afraid of falling into a trap. (A laugh.) My Lords, he is a priest and I am a layman, and if there is any party likely to fall into a trap, it is rather the layman than the priest. (A laugh.) He talked as if he were the fowl, and we were the fox. I rather choose to reverse the denominations. (Renewed laughter.) But now, what does the act of parliament to which the right reverend prelate refers me show about communion? Why, absolutely exactly nothing—neither more nor less. (Hear, hear.) But it shows this, that what he calls the "full communion," is not very "full;" for all that the most reverend prelate did, who passed the bill through parliament, was to give the Scotch clergy, ordained by the Episcopal Church in Scotland, the right to officiate in England two Sundays, and no more. (Hear, hear.) I really cannot call this a very "full" communion between the two churches. (Hear.) But suppose it was otherwise. It is admitted now upon all hands that that church in Scotland is no establishment, but is merely a dissenting body, a body

stead of the Bishop of Cashel's arguments, is "shattered to pieces" by the simple truth as enunciated by Lord Brougham. See Appendix A. a.



of sectaries. (Hear.) Then what becomes of the whole argument of the right reverend prelate, namely, that the petitioners, and they who worship with them, are schismatics, are dissenters from some church—nay, I have heard them most absurdly called *seceders* from some church? (Hear.) My Lords, there can be no seceders from a dissenting body. The body that secedes, as it is called, is just as much the body as those who remain. There can be no schism in leaving a dissenting body. A schism from a church I can understand, but not a schism from a sect. Schism is separating from a church, from some established body; and it is utterly ridiculous, and an abuse of terms, to denominate the differences of these petitioners from another dissenting body schism. (Hear, hear.) Their schism consists in adhering to the pure and beautiful Liturgy of the Church of England—in refusing to sanction a communion service which essentially differs from that Liturgy—in refusing to subscribe the Thirty-nine Articles, with a mental reservation which refers to a separate Work\*—theirs is a schism which will not allow of their departing from the Book of Common Prayer, to the “exclusive use” of which their clergymen are bound on oath. (Hear.) I am aware that my right reverend friend interprets this oath as being binding only in this country. But where then is the value of the oath? According to his view, clergymen are at liberty to use whatever liturgies they

\* The work (to which Lord Brougham here refers as having been considered by certain Scottish Episcopalians the *Rule of Faith* for the interpretation of the Thirty-nine Articles) is the “Layman’s Account of his Faith and Practice,” &c., of which the history is given in the Appendices A. and L.

may choose in foreign countries—the missal itself when in Rome, (hear, hear,) or any fantastical composition which any one may think proper to invent and manufacture, however full of heresies and superstitious abominations. The argument by which he would escape from this oath is too metaphysical for me. I think it should be obeyed in its obvious and literal sense, and the parties who violate it by using another Liturgy than that of the Church of England are they who are justly chargeable with schism.\* (Hear, hear.)

Another right reverend prelate (the Bishop of Salisbury) gravely objected to my refusing to call the other body a church. I will not dispute about a term. If you choose to call it an episcopal church, be it so; but it is a dissenting church. (Hear.) You may as well talk of the Presbyterian “church” in England, where Episcopacy is established, or of the Baptist “church,” or of the Unitarian “church,” or of the Muggletonian “church,” or of any other church. They are what we call “heresy and schism” here. In Scotland the schismatics and heretics are this Episcopal Church in Scotland, and the petitioners themselves. They are all schismatics and heretics with regard to the established church, for the only established church in Scotland is the Presbyterian church. (Hear.)

As to my other right reverend friend, (the Bishop of Exeter,) who says he is resolved to persist in his error, and call the body of Episcopal dissenters in Scotland the *Episcopal Church of Scotland*, I can but remind him that Lord Eldon never would suffer such an error to be committed, and uniformly interrupted whoever

\* Appendix B. b.

spoke of the Catholic Church *of* Ireland, requiring that it should be termed the Romish Church *in* Ireland.

My Lords, I cannot help rejoicing that I have brought forward this petition, and that the conversation, however inconvenient it may have proved to some, and however tiresome to others, has taken place, for what has been the consequence? Why, we have the avowal of the right reverend Irish prelate, (the Bishop of Cashel,) that he takes part with the petitioners. We have the like avowal of my other right reverend friend, (the Bishop of Worcester,) speaking also for another prelate, unfortunately absent, (the Bishop of Norwich,) and, above all, we have the most admirable, candid, and satisfactory statement of the most reverend primate, (the Archbishop of Canterbury,) who says, as those whom I have mentioned also do, that they will have no objection whatever to recognise and receive clergymen who have officiated for the body of the petitioners, although they may come to them without any testimonial whatever from that other body of dissenters, the Episcopal Church in Scotland. (Hear, hear.) My Lords, this is no speculative question. It is no imaginary grievance. (Hear.) The grievance and the hardship are real and practical. My noble friend behind me (the Earl of Galloway) has most distinctly, forcibly, and accurately stated the grievance. It is this. A gentleman receives orders in England. He goes to Scotland for two or three years; he officiates in one of the congregations there of the body to which the petitioners belong. He refuses, he conscientiously refuses to join what is called the Episcopal Church in Scotland, because he cannot adopt its adulterated liturgy, after having sworn to use

our own pure form of prayer. He comes back to England and is presented to a charge in the diocese of a bishop, who refuses to receive him, unless he brings testimonials from some Scotch bishop. He cannot be licensed to that charge ; he is injured in his temporal, as well as in his spiritual concerns, by this exclusion. And why is he injured ? Because he refuses to enter into communication, or to communicate with, or to join the worship of, a body whose Liturgy he entirely and conscientiously disapproves. (Hear, hear.) I have myself seen very lately one of the persons who has so suffered ; and when I said to him, “ As they do not require you to use their Liturgy, why cannot you join with them, so as to get the testimonial ? ” His answer was at once a decisive one. “ I cannot,” he said. “ It is not merely the using of their Liturgy that I object to, though that Liturgy must be used by every one that would be made either dean or bishop among them, but I positively object to sign their canons, which canons testify distinctly the approval of all their Liturgy, including the communion service ; now I cannot conscientiously approve of, or join in, or sign my name to any approbation of a communion service which, in my conscientious opinion, tends most distinctly towards Romanism. That is contrary to my principles and my convictions.” (Hear, hear.) This then, my Lords, is a plain and a great practical grievance. (Hear.) I shall trouble your Lordships no further. I have done my duty in bringing forward this question. Great benefit has resulted to the petitioners, and to those who are connected with them, from this discussion ; and therefore I feel much satisfaction in having been made the means of bringing it before

your Lordships. (Cheers.) I earnestly hope that now there will be peace between these contrary sects. Nothing would give me greater satisfaction than to hear of their pacification. I trust that other prelates will follow the example of the most reverend primate (the Archbishop of Canterbury,) by promising to remove the grievance of which the petitioners complain, and, as to the "excommunications," the law courts will protect them from any injury of that kind.

The petition was then received, and ordered to lie upon the table.

*The following ORIGINAL LETTERS have been recently received by the Rev. Mr. Miles, Incumbent of St. Jude's English Episcopal Church, Glasgow, from the ARCHBISHOP OF YORK and the PRELATES whose signatures they severally bear.*

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FROM HIS GRACE THE ARCHBISHOP OF YORK.

41, Belgrave-square, May 25, 1849.

REV. SIR,

In reply to your letter and inquiry received this morning, I beg to say that I shall not object "to license in my diocese clergymen duly qualified (according to my judgment) in soundness of doctrine and character, who having officiated in English chapels in Scotland separate from the Scottish Episcopal Church, do not possess a testimonial from a Scottish bishop." I quote your own words as above; and I fully concur in the sentiments uttered by the Archbishop of Canterbury in the House of Lords, on Tuesday, the 22nd inst., as reported, though from indisposition I was obliged to leave the House before the Archbishop rose to speak on that occasion.

I am, Rev. Sir,

Your faithful servant,

T. EBOR.

H

FROM THE RIGHT REV. THE LORD BISHOP OF WORCESTER.

24, Grosvenor-place, May 19th, 1849.

REV. SIR,

I attended the House of Lords on Tuesday last, and again yesterday, with the full intention of stating my entire concurrence in the prayer of the petition which was to have been presented by Lord Brougham from members of the Church of England in Scotland.

I regret that, on account of the recent illness of my daughter, I am under the necessity of leaving town on Tuesday next, and shall therefore be unable to attend in my place on that day.\* I have, however, spoken to the Bishop of Norwich on the subject, who assures me that he will support the Bishop of Cashel and Lord Harrowby by stating his opinion in favour of the petitioners.

As the inconveniences of which the petitioners complain appear to arise partly from the bishops in England refusing to receive into their dioceses clergymen who have officiated in Scotland without the counter-signature of a Scotch bishop, it may be satisfactory to them that I should distinctly assure them, through you, of my willingness to admit into my diocese any clergyman, who has been ordained by a bishop of either England or Ireland, and who brings with him the usual testimonials

\* It will have been observed that the Bishop of Worcester did take part in the debate. The subjoined extract from a letter received by Mr. Miles from his Lordship will explain :—" I was very glad that, having remained in town on account of the postponement of the debate on the Navigation Laws, I was enabled to comply with the wish of the deputation that I would say a few words to express my sympathy with the complaint of the petitioners, and my readiness to afford a remedy, as far as I could, by admitting into my diocese clergymen who had been officiating in Scotland, and who might bring with them satisfactory testimonials, though not counter-signed by a Scotch bishop."

of character and doctrine, though without the counter-signature of a Scotch bishop.

I am, Rev. Sir,

Your obedient servant,

H. WORCESTER.

FROM THE RIGHT REVEREND THE LORD BISHOP OF HEREFORD.

*Belgrave Square, May 23, 1849.*

REV. SIR,

I had intended to express my sympathy with the petitioners in the House of Lords yesterday evening, but was prevented doing so, partly from the length to which the discussion was protracted and the House being evidently wearied of the subject,\* and partly from an extreme reluctance to enter, in such a place, into that theological matter, into which the latter part of the debate had digressed.

But I cannot omit to assure you that I fully concur in the sentiments expressed by his Grace the Archbishop of Canterbury, and I shall accordingly be disposed to admit into my diocese clergymen of the Church of England who may have officiated in Scotland, properly qualified in point of character and doctrine, though without a testimonial from the Scotch Episcopal Church, on the ground that I regard it as a grievance that ministers of the Church of England should be excluded from their place in our church, on account of their scrupulous conformity to its Liturgy, and their conscientious objections to the canons and communion office of another church.

I have the honour to be, Rev. Sir,

Your faithful servant,

R. D. HEREFORD.

\* The debate lasted *four hours and a half*, during which many noble lords were anxiously waiting to speak on the Navigation Bill. No wonder, then, that the House was becoming impatient.



FROM THE RIGHT REVEREND THE LORD BISHOP OF NORWICH.

38, *Lower Brook Street*, May 24th, 1849.

SIR,

I went down to the House of Lords on the evening when your petition was presented, and intended saying a few words in favour of the memorialists, who seem to have just cause for complaint; but so much time was occupied by previous speakers that I could not stay; enough, however, was said to satisfy me that in taking their part I was acting justly, and I sincerely hope that the final result may lead to an emancipation from those regulations and restrictions which press somewhat heavily on many of the members, lay and clerical, of the English Episcopalian Church in Scotland.

Yours faithfully,

E. NORWICH.

FROM THE RIGHT REVEREND THE LORD BISHOP OF LLANDAFF.

*Deanery, St. Paul's*, May 25th, 1849.

DEAR SIR,

I have no hesitation whatever in declaring that I agree with the other bishops who have already given their opinion, that a duly qualified clergyman should not be excluded from officiating in my diocese, on the ground that he had officiated in Scotland apart from the Scottish Episcopal Church.

I am, dear Sir,

Your faithful servant,

E. LLANDAFF.

FROM THE RIGHT REV. THE LORD BISHOP OF CHESTER.

*Chester, June 18th, 1849.*

REV. SIR,

I regret that my absence from Chester on official duties should have prevented me returning an earlier answer to your letter.

In reply to your inquiry, I beg to state, that if any clergyman of the United Church of England and Ireland should apply for a licence in this diocese, who has previously ministered to English congregations of Episcopalians in Scotland, I shall think it my duty to judge of every such case according to its own particular circumstances and merits.

I am, Rev. Sir,

Your obedient servant,

J. CHESTER.

The following letter was written last year by HIS GRACE THE ARCHBISHOP OF CANTERBURY to the Rev. D. T. K. Drummond, Incumbent of St. Thomas's English Episcopal Church, Edinburgh, in acknowledgment of a document signed by several clergymen and lay-gentlemen, and forwarded to his Grace on behalf of themselves and other members of the United Church of England and Ireland residing in Scotland, and who have not joined the Scottish Episcopal Church.

*Lambeth, July 22nd, 1848.*

MY DEAR SIR,

By one of those accidents which sometimes occur in an extensive correspondence, your letter of the 20th of June has remained without acknowledgment. It ought not to have

happened, and must not be supposed to give a just indication of the value which I attach to the important document accompanying it, expressing the assurance of high regard from a large body of ministers and members of the Church of England in Scotland. I beg you to believe, and to signify the same to those who have set their names to that document, that I prize nothing in my elevation to the primacy more than the testimonies of favourable opinion which that event has drawn forth from a large number of valuable persons ; amongst whom a distinguished place must be assigned to those who have signed the memorial which you have transmitted to me. I trust that the communication of the minutes of a former meeting which the memorial laments, will not be allowed to interrupt that feeling of cordiality which has hitherto existed amongst those who meet together in council, and have so many common grounds of union.

Let me, in conclusion, entreat the benefit of their prayers, that I may be rightly guided in the discharge of my various duties, and be permitted to see the church of Christ grow and flourish in every part of the realm.

I remain, my dear sir,

Very faithfully yours,

J. B. CANTUAR.

Rev. D. Drummond.

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LETTER FROM THE RIGHT REV. THE LORD BISHOP OF WOR-  
CESTER TO A LAY-GENTLEMAN IN GLASGOW.

24, *Grosvenor-place*, May 31st, 1849.

SIR,

I have received your letter of the 28th inst., inclosing an extract from a Glasgow newspaper, and in reply to it I address to you the following observations.

The petition presented to the House of Lords was signed by six hundred heads of families, landed proprietors, merchants, and others. The grievance of which they complain is, that they are members, not of the Episcopal Church of Scotland, but of the Episcopal Church of England and Ireland, and that they are debarred from the benefit of having Episcopal offices discharged among them because the Episcopal Church of Scotland will adopt a form of Communion Service, which is not that of the Church of England, and to which they entertain strong objections on account of its favouring, as they conceive, the Romish doctrine of transubstantiation. Now the only obstacle to complete union between the Episcopal Churches of England and Scotland is the use of this form, and in my opinion it was an omission in the Act of 1792 not to have required from the Episcopal Church of Scotland the adoption of our Liturgy, as well as subscription to the Thirty-nine Articles. Till such adoption has taken place, it is impossible to consider the Episcopal Church of Scotland in full communion with the Church of England. And why is this form, which entails such difficulties and differences, to be so pertinaciously retained? Either it is, or it is not, materially different in point of doctrine from our own form. In the former case, you cannot complain of those who, being members of the Church of England, refuse to join a church which retains it. In the latter case, why retain an obnoxious clause, when you profess that our own is nearly identical with it. And be it remembered, the Scotch Episcopal Church have a power, which we have not, of making what canons they think proper. In the dormant state of our convocation no change whatever can be made in our services, whereas the Scotch bishops form a synod, which may at any time determine that the English Liturgy in all its integrity shall only be used in the services of the Scotch Episcopal Church. This certainly would be the most effectual remedy to the grievances of which the petitioners complain. The per-

formance of Episcopal offices in Scotland by an English bishop though I believe it would be quite as legal as the performance of them, as so often occurs, in towns on the continent frequented by the English, would necessarily be uncertain in time, and probably offensive to the Scotch bishops, towards whom, on the contrary, if they would only adopt our services, we should all be most anxious to adopt sentiments of brotherhood and kindness. With regard to the passage in the extract from the Glasgow newspaper, which you have sent me, that all objection to the obnoxious Communion Service should be removed, because four out of the seven Scotch bishops are English clergymen, educated at one of the English universities, holding English degrees, and ordained by English bishops, I am compelled to admit that among the clergy of our Church there are so many entertaining Romanistic views, (as has been of late evinced by such frequent conversions to the Roman Catholic faith,) that no security can be derived from this circumstance to those who profess themselves members of the reformed Church of England and Ireland.

I am, Sir,

Your obedient servant,

H. WORCESTER.

## APPENDIX.

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### A.

THE circumstances to which Lord Brougham alludes will now be briefly related. When the Bill for affording relief to the Scottish Episcopal Church was brought into the House of Lords, in 1792, the Lord Chancellor (Thurlow) insisted that a clause should be introduced requiring the Bishops and Clergy to subscribe the Thirty-Nine Articles of the Church of England, in order to show that they “really were such a society as deserved to be tolerated.” (*Skinner's Annals*, p. 214.) Now came the difficulty. They earnestly longed to be emancipated from the bondage imposed by the Acts of 1746—1748. But, hitherto free in the choice of their sentiments, they demurred to a law which would control their future opinions. Hence the occasion of the following instances of embarrassment when the matter of subscription was forced upon their notice.

“To all this, the substance of Bishop Skinner's reply was, that he believed the Scotch Episcopal Clergy, or at least a great majority of them, had no objection to the *general doctrine* of the Thirty-Nine Articles, although they might not altogether approve of some particular expressions made use of

in them ; and that the most disagreeable part of the clause requiring subscription would be, the obliging Scottish clergy to subscribe them as the ' Articles of the Church of England,' since the *Scottish Episcopal Church was no part of the Church of England*, and could not, either in strictness of principle or propriety of language, be included in it. On this head he received for answer, that it was only the general doctrine of the several articles to which the subscription was required even in England : (!) that many expressions in them might no doubt be altered for the better ; but *as those concerned would not agree about these alterations, perhaps it was as well to let the words remain as they are* ; that there could be no hardship or impropriety in our clergy subscribing them as ' Articles of the Church of England,' after they had professed that their principles were the same as hers in all the fundamental doctrines of religion, and that they wished to be considered as in communion with her, for subscription was doing that, only in a more solemn and legal manner. On these grounds it was argued that the clause requiring subscription was not only just and reasonable in itself, but might be attended with consequences very advantageous to the Scottish Episcopal Church, as it would serve to distinguish the members of that Church from the many upstart sects of dissenters, whose principles are conformable to no known standard."—(*Annals*, p. 215.)

Accordingly it was resolved that, rather than lose the benefit of toleration, the Thirty-Nine Articles should be acknowledged as the Rule of Faith. The Bill then passed, and received the royal assent on the 15th of June, 1792. Various perplexities now arose concerning the oaths and the subscription.

" With respect to the imposition of the oaths, the whole oaths, from first to last, we honestly and fearlessly avowed our unconquerable objection to that part of them which has a retrospective view, and which would require us to abjure, as

mere pretended rights, what, in the opinion of the Church to which we belong, did once really and truly exist; although having now, in our opinion, entirely ceased, they no longer stand in the way of our fealty and allegiance to the reigning prince." (*Address of Bishop Skinner at the Convention, Laurencekirk, August 22nd, 1792; Annals, p. 246.*)

"At a Diocesan Synod, holden at Aberdeen on the 7th of November, 1792, the bishop and clergy of this diocese finding, that on taking the Act of Parliament lately passed for the relief of this Church into consideration, they cannot, consistently with the principles which they have ever espoused, take and subscribe all the oaths required by that act, by which means they are precluded from an opportunity of giving their public assent to the truth of the Thirty-Nine Articles of religion received in the Church of England, and which, from their brotherly affection to that Church, they are much inclined to give, &c."—(*Annals, p. 259.*)

The simple meaning of all this hesitation is that the Scottish bishops were willing, *as the Pretender* (Charles Edward Stuart, Count of Albany,) *was now dead*, to take the oath of allegiance to the Hanoverian family; but they could not conscientiously swear that, if any Stuart had then been living, they would *abjure* him. They objected to the retrospective oath.

This was not the only difficulty. "In regard to these penalties, therefore, we are literally brought back to the same situation in which Queen Anne's toleration would have placed us, had no subsequent acts been passed against us; and it has been contended that we had no right to expect any greater indulgence. But there is a clause in the new Act to which the Act of Queen Anne has not even an allusion, *the clause which enforces our subscription of the Thirty-Nine Articles of the Church of England.* The fact is, the Articles of the English Church seem to have been considered by the British senate as that confessional of Christian doctrine, which, being



best entitled to establishment in England, is most 'fit to be tolerated' in Scotland." (*Bishop Skinner's Address to the Convention, August 22nd, 1792; Annals*, p. 251.)

On the 20th of September, 1792, an Episcopal Synod was held at Stonehaven. Here Bishop Skinner submitted to his Colleagues the necessity of interesting the clergy on "matters of paramount importance to the progressive prosperity of the Church." It is not stated what these matters were, nor what course was to be pursued. An intimation, however, is not obscurely given in the following sentence:—"As these measures *ultimately led to the subscription of the Thirty-nine Articles of religion* of the English Church in the year 1804, and to the new code of canons enacted in the year 1811, it is unnecessary, the Annalist conceives, to swell his volume by the discussion of them here." (*Annals*, p. 258.) This, it is to be remembered, occurred in 1792. We hear nothing more of the subscription, nor of the agitation connected with it, until nearly *twelve years* had elapsed. And then, as it appears, the bishops were aroused to the further consideration of the requirements of the 'Act of Toleration' by the stirring voices of certain *laymen*. "Of date the 24th of May, 1804, Bishop Skinner received from this highly respected individual (Dr. Spens, of Edinburgh,) the following most interesting communications:—"I take the liberty, at the request of an intimate friend, to transmit, for your perusal, a letter from him to me on a most serious subject, in which we are very sincerely interested; and your Reverence's well known zeal in the cause will readily excuse this freedom in a stranger.'" (*Annals*, p. 329.) This letter, forwarded by Dr. Spens, was written, says the Annalist, by "an *amiable young layman*." The following extract will show its purport:—"I am happy to think that the difficulties attending the union [of English chapels with the Scottish Episcopal Church] are not likely to be great when the question is fully and fairly considered; and

my object in addressing you is, to point out one that, I am much inclined to think, can be easily removed. The doubts of those who hesitate *can only be founded on the nonconformity of the members of the Scottish Episcopal Church.*" This 'amiable young layman,' who dates his letter, May 19th, 1804,—i. e. close upon *twelve years* after the 'Act of Toleration' was obtained,—complains that English congregations were prevented from acknowledging the authority of the Scottish bishops because the requirements of the Act were not yet fulfilled on the part of the Scottish Episcopal clergy. He continues:—"So far as that nonconformity is purely civil, it relates to the oath of allegiance, which no candid man can doubt the readiness of the Scottish Episcopal churchmen to take, if separately proffered; and the oath of abjuration, which no candid man can blame these churchmen (their circumstances considered) for refusing to take. These points of nonconformity, therefore, I lay out of my view. There is another point of nonconformity, however, which, as to the legislature, is civil, but as to the English priests is also spiritual,—I mean *the Thirty-Nine Articles* which the Act of 1792 requires to be assented to by Scottish Episcopal churchmen, in order to give them the benefits of toleration. For want of this it is thought by some that the Scottish Episcopal Church is exceptionable; first, as having no confessional; and, secondly, as not acknowledging the King's supremacy, as thereby declared in the Thirty-seventh Article." He proceeds to show that, in his judgment, the difficulties hitherto in the way might be easily removed, and he concludes his advice in the following words:—"If the Scotch bishops were to adopt these articles, *with the trifling variations requisite for Scotland instead of England*, as belonging to their church, *to sign them as such*, and to require the signature of them at ordinations, &c., I do think it would materially affect some opinions worthy of attention. Can you suggest this to Bishop Skinner?" (*Annals*, pp. 330—332.)

The effect produced by the above cited letter, from the pen of a youthful layman, is marvellous. For twelve years did the Scottish bishops hesitate;—they held a convention;—they met in synod;—twelve long years — years of perplexity — rolled away;—and the act of parliament, which had cost them so much anxiety, remained, like a casket of jewels which no one could unlock, perfectly useless. It was under this embarrassment that the ‘amiable young layman’ came to the assistance of the perplexed.

“The means being now, in some measure, pointed out, [by the young layman as above,] Bishop Skinner *eagerly embraced* the opportunity afforded him, in the month of August following, of submitting to the clergy of his diocese, at their synodical meeting, what he conceived to be the only possible way of *complying with the suggestion in the letter addressed to Dr. Spens*, viz. the convoking the whole bishops and clergy of the Scotch Episcopal church, for the express purpose of adopting, as the confessional of that church, the Thirty-nine Articles of the Church of England, and of subscribing to the same accordingly.” (*Annals*, p. 333.)

The Aberdeen clergy concurred in this plan. A general meeting of all the bishops and their clergy was appointed to be holden in the chapel at the village of Laurencekirk, on the 24th of October, 1804, for the purpose of “exhibiting a public testimony of conformity in doctrine and discipline (!) with the Church of England, and thereby to remove every remaining obstacle to the union of the Episcopalians in Scotland.” (*Annals*, p. 334.)

There were still some impediments to be displaced. “As our clergy are now naturally turning their thoughts to the subject of the Thirty-nine Articles, some of them have suggested the propriety of a *little alteration*, particularly in the 17th Article, to free it from the absurd Calvinistic sense which some of its subscribers in England are daily forcing upon it.

But I fear that to subscribe the Articles in any amended form might be considered as not subscribing them at all; and, therefore, any observations made with a view of illustrating the true sense of them had better, in my opinion, be thrown into a preamble to our form of subscription; and something of this kind seems peculiarly necessary with regard to the 35th, 36th, and 37th Articles, which are all peculiar to the Church of England, and therefore, when subscribed by us, can be considered only as Articles of Union, whereby *we express our approbation of what that church has intended by them.*" (*Bishop Skinner's Letter to Dr. Sandford. Annals*, p. 338.)

*Extract from Bishop Skinner's proposed Preamble.*

"Resolved, therefore, as we now are, by the grace of Almighty God, to adopt these Articles as the public test or standard of the religious principles of our Church, so far as they are applicable to its present situation, we deem it our bounden duty, from a conscientious regard to the truth as it is in Christ, to offer a few observations on the doctrine of the 17th and 25th, and the peculiar design of the 35th, 36th, and 37th Articles." Then follow the observations, illustrative of the views entertained by Bishop Skinner. The preamble continues:—"These observations we have thought proper to commit to writing, as explanatory, not only of what WE JUDGE to be the true sense and meaning of the 17th Article, and of that part of the 25th, which refers to the rite of confirmation, but also of the nature and design of those articles, which, being peculiar to the Church of England, can be applied to our situation only so far as existing circumstances will admit of the application. And, *with these explanations thus prefixed to our subscriptions*, we do freely and voluntarily subscribe a declaration of our assent to the Thirty-Nine Articles of the Church of England." (*Annals*, pp. 539, 543.)

Everything was now definitively arranged, when, "on the eve of the Convocation," a letter was received by Bishop Skinner, from *another layman*, Sir William Forbes, who urgently advised that the preamble should be laid aside as utterly inefficient for the purpose, and as highly inexpedient. "I have read the preamble," he says, "as well as the King's Declaration prefixed to the Thirty-nine Articles, with all possible attention." "After having heard what Dr. Sandford said on the head, I cannot but agree with him in strongly expressing my hope that your proposed preamble may not be insisted on." "Perhaps, therefore," he continues, "it will be best, (*if you feel that you can do it*), that the Articles be subscribed agreeably to the Act, 1792, as they stand in the Service-book of the Church of England, and prefaced as they there are with the royal declaration; *every subscriber explaining them to himself* according to what *seems* most consonant to the word of God, and according, as I believe, to the practice in England, which I find will be most agreeable to some of the English ordained clergymen here, who in that manner did themselves subscribe the Articles.\* But I beg pardon; I feel that I am getting out of my depth," &c. (*Annals*, 341, 342.)

This *layman* was most successful. His letter "had the effect of *instantly* inducing the primus to abandon his intended preamble to the Articles, and, in common with the *whole body of bishops and clergy*, to admire the modesty, exemplary zeal, and profound judgment, which dictated the contents of this interesting communication." (*Skinner's Annals*, p. 340.)

The day of Convocation, at Laurencekirk, (24th Oct. 1804,) at last arrived. There were four bishops, thirty-eight presbyters, and two deacons present. The purpose for which they had assembled was to comply with the Act of 1792. A sermon

\* This is the "*non-natural sense*" mode of subscription which obtained perfection under the direction of Messrs. Newman, Oakley, Ward, &c. &c.

was preached by Bishop Skinner, and then, before the clergy proceeded to their immediate business, all the lay members, (*except one*, whose opinions were required to remove a few remaining doubts, and thereby to facilitate the subscription) were dismissed from the chapel. "After the other bishops had severally declared their opinions on the subject before them, and, *with all becoming regard to the sentiments of the clergy*, expressed the sincere satisfaction which they could not fail to derive from an unanimous resolution to subscribe the Thirty-nine Articles of the Church of England, Bishop Jolly, of the diocese of Moray, delivered an address. (*Annals*, p. 345, 543.)

*Extract from the Address of Bishop Jolly.*

"The 'Institution and Erudition of a Christian Man,' with the 'Reformatio Legum,' &c., drawn up by those first Reformers, explain and amplify here and there what is more condensed and less perspicuous in the Articles; and happily we, too, in Scotland, have of late got our authentic institution of a Christian man, in a little book, called "A Layman's Account of his Faith and Practice as a Member of the Episcopal Church in Scotland; published with the approbation of the Bishops of that Church.' In adopting, therefore, the Articles of the United Church of England and Ireland, as the Articles of our Church, *we must be candidly understood as taking them in unison with that book, and not thinking any expressions, with regard to the Lord's Supper, in the least inimical to OUR PRACTICE at the altar, in the use of the Scottish Communion Office*; in which we are supported by the first reformed Liturgy of England, not to look back to all the ancient Liturgies which prevailed long before the corruptions of popery had a being." (*Annals*, p. 547.)

At the close of this address, the bishops and clergy sub-

scribed the Articles; it was resolved that all candidates for holy orders should henceforward give a similar subscription; and letters were written to the several archbishops and bishops of the United Church of England and Ireland conveying the intelligence of the happy termination of a twelve years' struggle. Not one word, however, was said about the *conditions* with which the subscription was accompanied;—no intimation of the “Little Book of the Layman” which was to regulate the *sense* of the Thirty-nine Articles. Favorable results were accordingly anticipated by those who were ignorant of the whole affair. “I hope and trust,” said the Bishop of Chichester, “that a work, *which has apparently taken twelve years to accomplish*, will prove of essential service to the general interests of true religion in this kingdom.” (*Annals*, p. 355.)

The reader will now comprehend what Lord Brougham meant, when he charged the Scottish Episcopalians with “fencing with the Act,” and with other conduct “disgraceful to their character;” and perhaps it may have occurred to some who are already acquainted with the constitution of this Church, that it was not a little ungenerous on the part of the Scottish bishops, after having so recently and repeatedly felt the value of a “*Layman's*” helping hand, to exclude, at the very first opportunity, the *laity altogether* from a voice in ecclesiastical matters.

See Appendix L. for some further observations on the “Layman's Account of his Faith and Practice.”

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## B.

In the House of Lords, the Archbishop of Canterbury thus introduced the Bill:—“My Lords, I now move that your

Lordships go into committee on this Bill, to which, I apprehend, there is no objection. As is known to your Lordships, the Established Episcopal Church has been for a long time abolished in Scotland; and the object of this Bill—which relates to the condition of the clergy of that Church in England and Wales more particularly—is, not to enable them to hold benefices, or *officiate as curates*, but, with the consent of the bishop of the diocese, to officiate where it may appear to be desirable, for a term not exceeding two Sundays. In order to show your Lordships the grounds on which the Bill is considered desirable by the members of the Scottish Episcopal Church, I shall read to your Lordships an extract from the Register of the Episcopal College of that Church. It is thus:—‘The proposed modification of the statute of 1792 would prove beneficial to Scottish Episcopal ministers, inasmuch as it would remove a ground of misapprehension from which inferences are sometimes drawn, very much to their disadvantage. From their not being allowed to officiate in England, it is concluded by the great body of their countrymen, and suspected, it may be, by some of their own persuasion, that there must be a defect in their clerical authority; that their orders are not valid; that they are not clergymen in the proper sense.’ I wish also, my Lords, to call your Lordships’ attention to the following extracts from a letter lately addressed to me by a Scottish bishop, for the purpose of showing that the Bill is satisfactory to himself and his brethren. He says, ‘My Lord Archbishop,—Permit me to offer my sincere acknowledgments for the great kindness you have shown to the Scottish Episcopal Church, by bringing forward the Bill which your Grace recently laid on the table of the House of Lords. . . . Our object was rather to establish the important principle of Catholicity among Protestant Episcopal Churches, than to gratify any vain or aspiring feeling in reference to our personal importance in being permitted to appear in the Established



Churches of the South. We, therefore, consider the permission as sufficiently ample. Two Sundays, with the power of renewing the permission, will meet all the occasions of any clergyman from Scotland.' . . . Your Lordships will perceive from these opinions that this Bill is highly approved of where approval is most to be desired, and I therefore anticipate that it will meet with your Lordships' concurrence." (*Mirror of Parliament*, Session 1840, p. 4010.)

In the House of Commons, "On the motion by Dr. Nicholl, order for the House resolving itself into committee, read,—*Mr. F. Maule*: I wish to know whether this Bill recognizes the Episcopal Church of Scotland as an Established Church? *Doctor Nicholl*: It does not; its object is merely *a matter of internal regulation*, and the words used are 'Church *in* Scotland,' and not 'Church *of* Scotland.' The House resolved itself into Committee," &c. (*Mirror of Parliament*, Session 1840, p. 4340.)

The following clauses are *verbatim* extracts from the Act of 1840 :—

"Whereas an Act was passed in the thirty-second year of the reign of his late Majesty King *George* the Third, intituled 'An Act for granting Relief to Persons of the Episcopal Communion in Scotland;' and whereas it is expedient to alter and amend the said Act, and to enable the bishops of the Protestant Episcopal Church *in* Scotland, and the priests of such Church canonically ordained, under certain *limitations* and *restrictions*, to perform divine service, to preach, and to administer the sacraments according to the rites and ceremonies of the United Church of England and Ireland, in churches or chapels within England or Ireland where the Liturgy of the said United Church is used: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present

Parliament assembled, and by the authority of the same, That it shall be lawful for the bishop of any diocese in England or Ireland, if he shall think fit, on the application of any bishop of the Protestant Episcopal Church *in* Scotland, or of any priest of such Church canonically ordained by any bishop thereof, residing and exercising at the time of such ordination Episcopal functions within some *district* or *place* in Scotland, to grant permission under his hand, and from time to time also under his hand to renew such permission to any such bishop or priest, to perform divine service, and to preach, and administer the sacraments according to the rites and ceremonies of the United Church of England and Ireland, *for any one day or any two days, and no more*, in any church or chapel within the diocese of the said bishop, where the Liturgy of the said United Church is used, such day or days, and church or chapel, to be specified in such permission or renewed permission; and thereupon it shall be lawful for the party mentioned in such permission or renewed permission, with the consent of the incumbent or officiating minister of such church or chapel, to perform divine service, and to preach, and administer the sacraments therein, according to the rites and ceremonies of the United Church of England and Ireland, on the day or days specified in such written permission or renewed permission, and on no other."

[Clause II. provides against any Scottish Episcopal clergyman being permitted to officiate in the churches or chapels of the Established Church of England and Ireland, unless he produces from his bishop in Scotland testimonials of character, and unless he "professeth the doctrines of the United Church of England and Ireland."]

[Clause III. extends the provisions of the Act to the clergy of the Episcopal Church in the United States of America.]

"IV. And be it enacted, That any incumbent or stipendiary curate, who, without the production of such written per-

mission or renewed permission as aforesaid, shall allow any bishop or priest of the Protestant Episcopal Church in Scotland, or in the United States of America, or who shall allow any deacon of either of such churches, or any other bishop, priest, or deacon, not being a bishop, priest, or deacon, of the United Church of England and Ireland, or any of her Majesty's Foreign Possessions, to officiate in any church or chapel of which he is incumbent or curate, shall for the first offence be liable to be called to appear before the bishop of the diocese in person, and, if he show no sufficient cause to the contrary, to be publicly or privately monished, at the discretion of the said bishop; and for the second and every subsequent offence, if a curate, he shall, after having been in like manner called to appear, and showing no sufficient cause to the contrary, be liable to be removed, or to be temporarily suspended from his curacy, at the discretion of the said bishop; and if an incumbent, he shall, on proof of the offence in due course of law, be suspended from his office and benefice for any time not exceeding three months, or be subject to other ecclesiastical censures; and the said bishop shall, during any such suspension, provide for the performance of the spiritual duties of such benefice, by sequestration or otherwise, as in the case of non-residence."

[Clause V. enacts, That if any Scotch bishop, not being in English or Irish orders, or if any clergyman ordained by a Scotch bishop, "shall officiate contrary to the provisions of the said recited Acts in any church or chapel in England or Ireland where the Liturgy of the said United Church is used," the offending bishop, priest, or deacon, "shall for. every such offence forfeit and pay the sum of fifty pounds to the Governors of Queen Anne's Bounty, to be recovered by action of debt . . . in the Court of Session in Scotland at the suit of the public prosecutor."]

## C.

Lord Brougham is here speaking in reference to the Rev. Sir William Dunbar, who, feeling that he could no longer conscientiously remain in communion with the Scottish Episcopal Church, wrote to Bishop Skinner, and intimated his resolution to withdraw. A correspondence ensued. The subjoined *extract* is from one of the official letters written by the bishop to the reverend baronet, and dated May 19, 1843 :—" If you do not come to a better mind than you have unhappily evinced for some time past, you will leave me, as your bishop, no alternative but to proceed against you according to canon, and to make known to the heads of the church from which you came, and of which you justly claim to be considered an ordained minister, the judgment which I shall then be compelled to pass. I would have you no longer to halt between two opinions ; if you will be an Episcopalian, act up in all things to your profession by strict adherence to the liturgical rites and ecclesiastical discipline of your church ; but if you feel more inclined to presbyterian rule and practices, then become at once an Independent, and do only that which seemeth right in your own distorted vision ; throw consistency of conduct and profession entirely at your heels ; and one day stand up for the importance and necessity of the rite of confirmation, and, when that is freely proffered to you and yours upon your own terms, then turn round and deprive those who may, without due consideration, adhere to you and your ministrations, of the only means by which they can have it in their power to obtain the benefits of that holy ordinance, by your dis severing yourself and them from their connexion with the Church, in which alone the rite in question, and all other strictly episcopal acts, are to be had in this country."

The first impression, on perusing a letter couched in such unusual language, is, that if the rite of confirmation can only be obtained from the individual who betrays a spirit so utterly un-apostolic, not a few members of the Episcopal Church would prefer dispensing with the "laying on of hands." Sir William Dunbar, as may be supposed, was not weaned from his determination by the foregoing epistle from the primus, or chief bishop, of the Scottish Episcopal Church. He withdrew, voluntarily withdrew, as the laws of his country unquestionably permitted him to do, from the jurisdiction of Bishop Skinner. But he continued to officiate, under the protection of the statute law of the realm, as the incumbent of St. Paul's English Episcopal chapel in Aberdeen. This separation of himself and his congregation from Scottish Episcopacy occurred in the latter part of May. In the month of August a Synod, consisting of Bishop Skinner and his clergy, was held in Aberdeen, and Sir William Dunbar, without receiving the slightest intimation of what was passing in this clerical assemblage, without having been even apprised of the intention of holding a Synod, was condemned, and declared to be cut off, not simply from the body of Scottish Episcopalians,—that might have been easily endured, especially as Sir William had already himself effected the separation,—but from the *mystical body of Christ*, and from religious fellowship with the faithful!

DECLARATION OR EXCOMMUNICATION ISSUED BY BISHOP SKINNER AGAINST THE REV. SIR WILLIAM DUNBAR, BART.

"In the name of God. Amen. Whereas the Reverend Sir William Dunbar, Baronet, late minister of St. Paul's Chapel, Aberdeen, and a Presbyter of this diocese, received by letters dimissory from the Lord Bishop of London, forgetting his

duty as a priest of the Catholic Church, did, on the 12th day of May last, in a letter addressed to us, William Skinner, Doctor in Divinity, Bishop of Aberdeen, wilfully renounce his canonical obedience to us, his proper ordinary, and withdrew himself, as he pretended, from the jurisdiction of the Scottish Episcopal Church; and, notwithstanding our earnest and affectionate remonstrances repeatedly addressed to him, did obstinately persist in that his most undutiful and wicked act, contrary to his ordination vows and his solemn promise of canonical obedience, whereby the said Sir William Dunbar hath violated every principle of duty which the laws of the Catholic Church have recognised as binding on her priests, and hath placed himself in a state of open schism; and whereas the said Sir William Dunbar hath moreover continued to officiate in defiance of our authority: Therefore we, William Skinner, Doctor in Divinity, Bishop of Aberdeen aforesaid, sitting with our clergy in Synod, this 10th day of August, in the year of our Lord one thousand eight hundred and forty-three, and acting under the provisions of Canon XLI., do declare that the said Sir William Dunbar hath ceased to be a presbyter of this church, and that all his ministerial acts are without authority, as being performed apart from Christ's mystical body, wherein the one Spirit is; and we do most earnestly and solemnly warn all faithful people to avoid all communion with the said Sir William Dunbar in prayers and sacraments, or in any way giving countenance to him in his present irregular and sinful course, lest they be partakers with him in his sin, and thereby expose themselves to the threatening denounced against those who cause divisions in the Church, from which danger we most heartily pray that God, of his great mercy, would keep all the faithful people committed to our charge, through Jesus Christ our Lord. Amen.

“ Extracted from the minutes of the Synod of the diocese of Aberdeen, holden at Aberdeen, on the 9th and 10th days of

this present month of August, one thousand eight hundred and forty-three, by me,

(Signed) "ARTHUR RANKEN, M.A., *Synod Clerk.*"

This sentence was issued on the 10th of August, and was received *in the ordinary course of post* by the astonished baronet. In the following month an *Episcopal Synod* (the annual meeting of the bishops required by Canon XXXIV.) was held in Edinburgh. Bishop Skinner, as primus, was in the chair, and only two other bishops, it is believed, were present.\* The excommunication having been brought under the notice of this Synod, received the full force of synodical sanction. Bishop Skinner, as chairman, sitting in judgment on his own case, received the opinions of the other two bishops. Such is the character of an Episcopal Synod in the Scottish Episcopal Church !

Bishop Skinner was instructed by the Synod to make known in England and elsewhere the judgment which he had so recently pronounced in Aberdeen ; and he enjoined that every minister in his own " diocese " should *publicly read it on the Sabbath*, and *from the " altars "* of the several chapels. One, and only one, clergyman refused to violate the laws of the land—Mr. Taylor. A painful and extraordinary correspondence followed. The conscientious presbyter persisted in his refusal. He said, in a respectful letter to his bishop, " With the views that I have, I *wish not to do anything that would render me a party, even but instrumentally, against Sir William Dunbar*, which I fear the official promulgation of the document would do. While I wish, notwithstanding differences of view, to yield in sincerity due respect to your reverence, and to let it be known that I am *not actuated in this matter by a spirit of disregard*, I humbly request that your reverence will be kindly pleased to *grant me a dispensa-*

\* Unless *three* are present the Synod is not canonical.

tion, exempting me from the necessity of complying in the present instance." The several letters written on this occasion by Bishop Skinner—written officially for the purpose of compelling Mr. Taylor to denounce Sir William Dunbar—have been already published. The subjoined are *verbatim* extracts.

"I have this morning received your most absurd appeal of the 12th from my decision as your *ordinary* to myself as *primus*, and if you be not completely stultified, you must perceive how utterly impossible it is for me to listen to any such absurdity. Whatever may be your *private* opinions on the subject in question, opposed as they are to those of your bishop and brethren, you are solemnly bound to obey the authoritative directions of your ordinary, otherwise there is an end to all canonical discipline in the Church. And I again *order* you to read from the altar of the chapel at Cuminstone, immediately after the Nicene Creed, on Sunday next, being the tenth Sunday after Trinity, the declaration issued by me in Synod affecting the Rev. Sir William Dunbar, Baronet, and if you shall again refuse, you have yourself only to blame for the consequences." (August 14, 1843.)

"A letter from you to Bishop Russell is now in my possession, which he declines to answer, as having nothing whatever to do in the matter, and not knowing what you would be at. Your mulish obstinacy in so simple a matter is extremely silly and vexatious; and I see no reason whatever why you should be exempted from a duty which I saw sufficient reason to impose on myself, as well as on all your fellow-presbyters. The Episcopal Synod [that is, the Synod in Edinburgh, at which Bishop Skinner himself was chairman] yesterday fully approved of all that I had done in regard to Sir William Dunbar, and authorised and directed me to communicate my declaration to the Archbishop of Canterbury, and to the presiding bishop of the Church in America, that the matter may



be fully known to all the prelates of both churches. I again, therefore, *order* the declaration to be *read* by you to the Episcopal congregation at Cuminestone, without any further delay, or any equivocation whatever. . . . You cannot be long permitted to eat the bread of the Church, and at the same time to contemn and despise her authority and discipline. Once more beware of the precipice on which you are heedlessly placing yourself." (Sept. 8, 1843.)

The correspondence continued until March, 1844, but without producing any result, except that it manifested the firmness of Mr. Taylor in the above matter. He was deprived of his chapel, and almost of the means of subsistence, but no threat or promise from his bishop influenced him to the commission of an *illegal* act. Those who may wish to peruse the *whole* of the published correspondence are referred to the *Appendix* of the Rev. Mr. Drummond's "Historical Sketch of Episcopacy in Scotland," pp. 159—169.

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## D.

Every clergyman joining the Scottish Episcopal Church subscribes the following document.

"I ———, do hereby solemnly promise that I will give all due obedience to the Canons of the Episcopal Church in Scotland, drawn up and enacted by the bishops and clergy of that church, in a Synod holden for that purpose at Edinburgh, in the year of our Lord one thousand eight hundred and thirty-eight; and I, in like manner, promise that I will show, in all things, an earnest desire to promote the peace, unity, and order of the said Episcopal Church, and will not appeal from any sentence to a civil court, but acquiesce in the decisions of the ecclesiastical authorities in all questions falling under their spiritual jurisdiction." (Appendix VIII. to the "Code of Canons of the Episcopal Church in Scotland.")

The particular Canon to which Lord Brougham alludes is the following :—

“ CANON XXI.

*Respecting the Communion Service as the most solemn part of christian worship.*

“ Whereas it is acknowledged by the twentieth and thirty-fourth of the Thirty-nine Articles, that ‘ not only the Church in general, but every particular or national church, hath authority to ordain, change, and abolish ceremonies or rites of the church ordained only by man’s authority, so that all things be done to edifying,’ the Episcopal Church in Scotland, availing herself of this inherent right, hath long adopted, and very generally used, a form for the celebration of the Holy Communion, known by the name of the *Scotch Communion Office*, which form hath been justly considered, and is hereby considered, as the authorised service of the Episcopal Church in the administration of that sacrament. And, as in order to promote an union among all those who profess to be of the Episcopal persuasion in Scotland, permission was formerly granted by the bishops to retain the use of the English office in all congregations where the said office had been previously in use, the same permission is now ratified and confirmed : and it is also enacted, that in the use of either the Scotch or English office, no amalgamation, alteration, or interpolation whatever, shall take place, nor shall any substitution of the one for the other be admitted, unless it be approved by the bishop. From respect, however, for the authority which originally sanctioned the Scotch Liturgy, and for other sufficient reasons, it is hereby enacted, that the Scotch Communion Office continue to be held of primary authority in this church, and it shall be used not only in all consecrations of bishops, but also at the opening of all General Synods.”

*Extracts from* CANON XXXII.

“ Every general Synod shall consist of two chambers ; the first composed of the bishops alone ; the second of the deans, the Pantonian Professor of Theology *ex officio*, and the representatives or delegates of the clergy ; one such delegate being chosen by and from the incumbents of each diocese.

\* \* \* \*

And any member of the other chamber, [the second,] whether dean or delegate, or professor, who, without sending a similar excuse [*illness or indispensable business elsewhere*] to the primus or to his own diocesan, shall neglect to attend a General Synod to which he has been regularly summoned, shall, if a dean, be deprived of his office, and if a delegate, be declared inadmissible to any future Synod.”

At all General Synods, it will be seen from Canon XXI., the Scottish Communion Office *must* be used at the sacrament of the Lord's Supper, and the *deans* and *delegates* and *bishops*, whether in English orders or not, must join in the use of it.

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E.

## CANON XXXIII.

*On the legislative power of General Synods.*

“ A General Synod of the Church, duly and regularly summoned, has the undoubted power to alter, amend, and abrogate the canons in force, and to make new canons ; and the said alterations, amendments, abrogations, and new canons, being in conformity with the recognised constitution and acknow-

ledged practice of this church, shall not only oblige the minority in the said synod, but all the absent members of the church."

*Extract from* CANON XXXII.

" Canons or rules for the order and discipline of the Church shall be made and enacted by a General Synod only ; and no law or canon shall be enacted, abrogated, or altered, but by the consent and with the approbation of the majority of both chambers. If the chambers shall happen to be equally divided in their opinions on any question, the primus in the upper house, and the prolocutor in the lower, shall have the casting vote. And whereas the assembling of a General Synod can only be necessary when important business occurs in the Church, it is hereby decreed that the times for holding such synods shall be left to the determination of a numerical majority of the bishops."

A General Synod, then, has the power of entirely changing the canons of the Scottish Episcopal Church : this Synod may be convened whenever a majority of the bishops think proper. It consists exclusively of the bishops, deans, and delegates from among the incumbents of chapels \* The voice of the *laity* is altogether excluded. And yet, whether canons are rescinded or modified, or whether new canons are made—it matters not how great the change—everything that is determined in the General Synod is binding on *every member* of the Church. As there are only seven Scotch bishops, there can be also only seven deans and seven delegates. These *twenty-one* men (with the *one* professor of theology, if there be a professor,) form the Synod ; and the *majority* of these twenty-one or twenty-two, say *eleven*, are authorised by their canons to legislate for the whole body ! Nor are the deans to be regarded as independent men. They are merely the

\* See Canon XXXII., quoted under Appendix D.

nominees of the bishops. "Every bishop is hereby required to appoint one of the presbyters of his diocese *to act under him as dean.*" (Canon III.)

In 1743 a few canons were drawn up. In 1811 a new code was adopted. This code was altered in 1828. In 1829 another alteration took place. And in 1838 there was an entire revision—which revised edition is that which at present obtains. At this last General Synod, in 1838, there were only *seventeen* members present, viz. six bishops, five deans, and six incumbents; and these seventeen clergymen, without consulting the Church at large, and without being deputed by the Church, took upon themselves to form laws which were to be accepted, without appeal or remedy, by the *whole body* of Scottish Episcopalians, and which the Scottish bishops fancy they may impose upon every minister and member of the United Church of England and Ireland who may chance to reside in Scotland! There are strong rumours that before long another change in the canons will be attempted.

One of the alterations made in the last Synod was the expunging of the word "*Protestant*" from *every place* where it occurred in the *canons*. It occurs in the *canons* of 1828 no less than seven times—in those of 1838 NOT ONCE. It occurs, associated with the Scottish Episcopal Church, *twenty* times in the book containing the canons of 1828; whereas in the code of the present canons it is found only *twice*, and that only in the *introduction* and in connexion with the Synod of a by-gone day! The designation of this body by its own canon law of 1828, and by the Act of Parliament of 1840 is, "THE PROTESTANT EPISCOPAL CHURCH IN SCOTLAND;" but by the amended canons of 1838 it bears the title of "THE EPISCOPAL CHURCH IN SCOTLAND."

## F.

The Bishop of Salisbury, speaking on information derived from the opponents of the petitioners, has represented the sentiments of Mr. Miles, whose letter he quotes, in so incorrect a manner that some explanation is necessary.

The facts are these: Mr. Miles was offered the incumbency of St. Jude's in the autumn of 1843. He had never been in Scotland, and, like most of the bishops and clergy of his own church, he knew but little of Scottish Episcopacy. On reaching Glasgow he made inquiries about the peculiar Communion Office. He opened a correspondence with Bishop Russell—the bishop of the Glasgow district—and, in ignorance of the nature of the doctrines actually taught in the Scottish Episcopal Church, he readily listened to the assurances which he received from the bishop, and also persuaded himself that the Communion office *might* be interpreted so as not to contravene the doctrine of the Church of England. He desired *peace*,—he wished, *if possible*, to be under the jurisdiction of the Scottish bishops, for the sake of peace and union. However, before he expressed the sentiments quoted by the Bishop of Salisbury, he had received from Bishop Russell a letter containing the following passage:—"The one canon which respects the Communion Office specifies the two cases to which its authority extends; cases which do not affect the clergy at large, and none of their congregations. Still I am aware the said canon has been made a stumbling-block in the path of the *weak*, and is an instrument in the hands of the mischievous; for which reasons I have *no doubt* but that it will either be **WITHDRAWN OR GREATLY ALTERED** at the first General Synod. But, as it stands, it inflicts no grievance; its obligations ex-

tending no further than the consecration of a bishop, and the opening of a General Synod ; its ' primary authority ' is clearly defined, and will never impede or disturb the professional labours of any clergyman amongst us, for no one is compelled to use it." This letter was dated Nov. 27, 1843, and, four days afterwards, Mr. Miles addressed to Bishop Russell, in reply, the letter which was quoted in the debate. It must be evident that there existed on both sides a desire for peace, and that Mr. Miles had put the most favourable construction possible on the language of the Scottish Office. The expression, ' weak mind,' was taken up just as it had dropped from the lips of Bishop Russell. Even at that early period, before he discovered how systematically the office was cited in support of erroneous doctrine, and how it was *interpreted* by the Scottish Episcopalians themselves, he declared his strong objection to it. He said, in a letter written the very day before he signed the canons,—“ I consider the clause in the Communion Office, where, speaking of the elements, prayer is offered to the effect that they (the elements) may ‘ *become* ’ the body and blood of our Lord, is highly objectionable—so objectionable that, in my present state of mind, there is no existing power that would induce me to join in the service as it now stands.” And, within ten months after he had signed, after he had examined various catechisms and other documents, and had ascertained what doctrines were really taught by the clergy, he withdrew from all connexion with this erring Church ; and *then* he stated as follows his more matured and better-informed convictions :—“ It is no wonder that I am prepared to publish *very different sentiments* to those entertained before I received any correct knowledge of the *working*, the *practical working*, of so dangerous a portion of the Scottish ritual. But the Communion Service, however I may hereafter be inclined to expose

and condemn its phraseology, is *not the cause* why I have retired from the Scottish Episcopal Church. The reason is this :—THE SCOTTISH EPISCOPAL CHURCH IS INVOLVED IN A FLAGRANT ACT OF UNREPENTED INJUSTICE. Indeed I was unprepared, from ignorance of the *half concealed* character of Scottish Episcopacy, to have entered on the struggle upon any other ground than that of the iniquitous oppression of the rev. baronet (Sir W. Dunbar).

Since my visit to Aberdeen, the discovery was made that the Scottish Episcopal Church, *in her doctrines*, is as closely allied to the Church of Rome as she is emulous to imitate her pretensions to priestly despotism. My convictions increased as I advanced in the research." (*See Mr. Miles's Address to the Members of St. Jude's Congregation, Glasgow, 1844.*)

It is not fair to produce extracts which convey an imperfect idea of the facts of the case. The passage from Bishop Russell's letter, which prompted a favourable, albeit a *forced*, interpretation of the Communion Office, *which encouraged the hope of an amendment in the canons*, and which influenced Mr. Miles in favour of peace and union, ought also to have been quoted by the Bishop of Salisbury, as doubtless it would have been, if his Lordship had taken ordinary pains to investigate and ascertain the truth.

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G.

The petitioners certainly have just cause to complain that the Bishop of Salisbury should, on no better authority than an anonymous paper, make a statement which conveys an erroneous and injurious impression. The paper says that



*only three* clergymen separated from the jurisdiction of the Scottish bishops. The following is a correct list:—*Mr. Drummond, Sir W. Dunbar, Mr. Miles, Mr. Hull, Mr. Hitchcock, Mr. Crowder.* These *six* ministers of the Church of England *voluntarily withdrew* from the Scottish Episcopal Church within a period of about three years, because they conscientiously believed that the Scottish bishops, supported by the Tractarians in England, were countenancing practices and opinions which are subversive of Protestant truth; and they—at least five of them—continued to labour in Scotland, apart from Scottish Episcopacy, because they knew they were protected in so doing by *usage* and the *statute-law* of their country.

The anonymous paper asserts that *three other clergymen* joined from England, and that there are *two* more in Scotland unconnected with the Scottish bishops. The fact is this:—NINE CLERGYMEN, who never submitted to a Scotch bishop, have accepted charges in Scotland, and continued, on principle, separate from the Scottish Episcopal Church, viz. *Mr. Gribble*, at Glasgow; *Mr. Baker*, at Edinburgh; *Mr. Williamson*, at Fochabers; *Mr. Wade*, at Montrose; *Mr. Wade*, (brother to the former,) at Edinburgh; *Mr. Marrable*, at Glasgow; *Mr. Walker*, at Aberdeen; *Mr. Nunn*, (domestic chaplain to the Earl of Galloway,) officiating at the chapel of Galloway House, Wigtonshire; and *Mr. Miller*, who, although he has not accepted a permanent charge, resides at Aberdeen, and officiates in the English chapels from time to time. Besides the above facts, there is an English chapel at Dunoon, a watering-place on the Clyde, which is opened during the summer months, and is regularly supplied by beneficed clergymen, either from England or Ireland. All this has occurred within the last four or five years.

It is necessary here also to point out another very erroneous statement put forth in the paper quoted by the Bishop of Salisbury. A stranger, without further instruction than is received from the advocates of the Scottish Episcopate, would be disposed, like the late good Bishop Horne, to conclude that the Episcopal Church in Scotland is the very paragon of an ecclesiastical system;—that, whatever annoyance she may experience from ‘schismatics,’ harmony and contentment prevail within her borders;—that her mode of administering discipline, although it occasionally leads a bishop into the ‘Court of Session’ in the character of *defendant*, should be regarded as a pattern to other churches; and that her rulers are so worthy of veneration and obedience that, although now and then there is adopted in official episcopal letters phraseology which ordinary gentlemen are not in the habit of using, and language is uttered in synodical declarations, which one of her Majesty’s judges has recently characterised as ‘unpardonable,’—to entertain a doubt, under such circumstances, of the respectability and the apostolicity of the ‘*Church in Scotland*’ is tantamount to heresy and rebellion.

“While then,” said the Bishop of Salisbury, reading from the anonymous paper, “six clergymen and six congregations might be relieved by the ministrations of a prelate from England or Ireland, it is to be considered that such ministrations would deeply aggrieve a much larger body of clergymen, and a much greater number of congregations *now living in peaceful submission to their several diocesans.*” Peaceful submission! If the Bishop of Salisbury had inquired into the real state of things in Scotland, he would have omitted *this* paragraph at least in the unauthenticated paper. The idea of *peace* and *submission* are mere illusions. There never will be either the one or the other

within the borders of the Scottish Episcopal Church as long as she *retains* the peculiar 'Communion Office;' and as soon as ever this office is *rejected*, there will be witnessed a 'schism' greater far than has hitherto been experienced. And why? Because these *peaceful* and *submissive* sons and daughters of this happy Church, together with her priests, are full of the spirit of rebellion! At this moment the table, where these pages are being written, is literally covered with pamphlets, published and unpublished, and with printed letters and circulars and addresses, which have emanated, not from the petitioners, not from the members of the Church of England in Scotland, but from *two very opposite parties within the pale of the Scottish Episcopal communion*—the one contending for the use of the Scottish office, and the other waging unceasing war against it. If any one doubts the truthfulness of this statement, let him look into the pamphlets and circulars.

"DIOCESE OF EDINBURGH. THE CHURCH IN DANGER, in consequence of the recent uncanonical introduction of the SCOTTISH COMMUNION OFFICE, and *other innovations*, into St. Paul's Chapel, Carrubber's Close, Edinburgh."

Such is the title of a pamphlet published by a Scottish Episcopalian in 1845. Here is an extract from the preface:—"The following Correspondence is presented to the MEMBERS OF THE SCOTTISH EPISCOPAL CHURCH by several individuals belonging to that communion, (some of whom are attached to Mr. Alexander's vestry and congregation,) in order that they may be made acquainted with the restless desire for change which has recently manifested itself, and which, besides creating great alarm and regret, is rapidly and effectually destroying the unity and peace of the Church. It is probably but little known, that, although every congregation throughout the diocese of Edinburgh has for the

last *thirty* years used *exclusively* THE ENGLISH COMMUNION OFFICE in the administration of that ordinance, the SCOTTISH OFFICE has been recently introduced by the Rev. J. Alexander into the congregation of St. Paul's in an uncanonical manner, at an additional early morning service, while the use of the Anglican office has been likewise continued at the ordinary service of the chapel. The Holy Communion is thus administered twice every Sunday in St. Paul's, Carrubber's Close, in two different forms.\*

The following extracts from the same publication will not require any comment.

1. From a letter written by a lay-member of St. Paul's congregation to the Rev. Mr. Alexander :—" It is admitted that the Scotch office carries the popish doctrine of transubstantiation beyond the spirit and forms of the English office; but because the former office happens to be more in accordance with the peculiar feelings of a recently acquired portion of your congregation, I contend it is no justification for your countenance being given to this endeavour to convert your chapel into their temporary halting-place between St. Paul's, York-place, [Bishop Terrot's chapel,] and the Roman Catholic chapel."

" I have attended St. Paul's Episcopal Chapel, Carrubber's Close, for five years, and acquired a deep regard towards you; on which account I shall regret, (in which my family will participate,) if such a change as that now permitted to be agitated in your congregation, should compel me to leave your chapel in its new form of worship, *to join another in stricter accordance with the Church of England*, and the general Episcopal form in Scotland."

2. From Mr. Alexander's reply :—" I regret much to perceive from your note, which I received this morning, and which I have not had time to acknowledge till now, that you are so much discomposed by the proposal that the Holy

\* Mr. Alexander has since built a new chapel in Edinburgh, and now he uses, *exclusively*, the SCOTTISH OFFICE.

Eucharist should be celebrated by the Scottish office at an early hour on the Sunday mornings; for surely there is nothing unreasonable in Scottish churchmen preferring their own national Liturgy, which is declared in our canons to be of "primary authority" in this Church;—a Liturgy which is used in nearly one-third of our chapels, and by which the Primus of the Scottish Church, Bishop Skinner, (our Archbishop of Canterbury,) communicates; a Liturgy which must be used at all consecrations of bishops, and at the opening of all general synods." . . . "I can assure you, my own views of church matters are not progressing in the direction of Rome: it was only on the evening of Sunday that I denounced \* the extreme Oxford party from the pulpit, expressly mentioning the word, 'Oxford,' that there might be no mistake."

3. *Letter from Bishop Terrot to W. Edwards, Esq.*

*"Edinburgh, March 11th, 1845.*

"Sir,

"I have to acknowledge the receipt of your protest, dated March 8th, addressed immediately to Mr. Alexander. The request of the vestry has been presented to me, and I have given the only legal answer I could give, viz. that the canon (xxi.) neither commands nor empowers me to interfere in the matter, no substitution of the one office for the other being demanded. I have, therefore, declined to pronounce either a permission or an interdict, neither of which could carry any legal weight, and leave the matter to be decided by the minister and vestry of St. Paul's, Carrubber's Close, in such manner as may seem to them most conducive to the edification and peace of that congregation, and of the Church in general. My own opinion respecting the intro-

\* So it appears that these High Churchmen—these apostolic men—disturb the peace of their congregations by denouncing and devouring one another.

duction of the Scotch office will not be obtruded where it is not asked, *and where I have no reason to believe it would have any effect.*

“ I am, Sir, your obedient servant,

“ (Signed) C. H. TERROT,  
“ *Bishop.*”

It must be now evident that *peace* has not been uninterrupted in the “diocese” of Edinburgh, and that Bishop Terrot entertains no very strong opinion of the *submissiveness* of those who are nominally under his jurisdiction.

If we revert to the year 1843, we shall find symptoms of commotion altogether irrespective of the controversy between the Scottish Episcopalians and those who have left that body. The following passages are from a pamphlet written by Mr. Cheyne, a Scottish Episcopalian clergyman at Aberdeen, and one who stands very high indeed in the estimation of his adherents. He observes :—“ The case is now altered. *We have no longer to deal with persons external to the Church ; a disposition to get rid of our Communion Office has been manifested in certain quarters by the clergy themselves.* The united diocese of Moray, Ross, and Argyll, by a resolution said to be unanimous, lately petitioned the bishops to repeal the xxi. canon ; and more recently, four clergymen of the diocese of Glasgow have memorialised their ordinary to the same effect, *plainly intimating that there is a strong feeling on the part of the laity against the office, and holding out threats of secession, if canonical sanction be not withdrawn from it.* . . . “ It is earnestly hoped that the discussion may be avoided ; but, if it should not, let the responsibility of stirring it up rest upon those who have forced upon others the necessity of stating the grounds of preference on which they *determine* to abide by the Communion Office of their Church. *At all hazards*

*they are now bound to speak out.*" . . . "It has come to this, that there was risk lest silence should be observed till it became too late to speak. Matters seem tending to an issue, *which would bring me and others to a very painful alternative.*" (See Mr. Cheyne's Vindication of the Scottish Communion Office, pp. 6—8, 48.)

The controversy has not diminished since 1843. The following quotations, selected from an official and printed document, dated Edinburgh, 1849, will afford a curious answer to the notion of 'peaceful submission' being prevalent among *Scottish* Episcopalians.

*Extracts from the "Second Report by the Trustees of the Fund to assist in the Building and Enlarging of Churches and Chapels in Scotland."*

"The fund originated thus: A strong desire had long been felt by many lay members of the Church, while contributing to the necessities of the poorer congregations, to guard against the *spread* of an *evil* which appeared to them calculated to entail the most serious consequences on the Church, viz. the endeavour, by pecuniary influence, to seduce congregations either to sever themselves from the communion of the Scottish Episcopal Church, *or to abandon the use of the Scottish Liturgy.*"

RULE II.—"No loan or grant shall be made to any church in which the present authorized service [the Scottish Communion Office] of the Church is not the service used. And should there be reason to apprehend an attempt to remove that service, security shall be taken for the repayment of the money in the event of such alteration."

"The latter of these conditions has been discovered to be an inconvenient obstacle to the abolition of the Scottish Liturgy—an object which has been for a long period the aim of a party in the Church to accomplish; and hence the

present attack upon the fund, and the desire in some quarters that it should cease to exist. . . . It seems to have been thought that the mode of doing this most likely to tell on the public mind was *to charge the trustees with the same course of proceeding which has been so long and so successfully used against the Scottish Communion Office, viz. of offering money as an inducement to unwilling congregations to consent to a change.*"

" This persecution [that is, of *one party* in the Scottish Episcopal Church by *another party* in the same 'submissive' and 'peaceful' communion] has been carried on in many different forms of late years. To pass over the address from certain clergy of the diocese of Glasgow to their late bishop in 1845, which ended in no result, the trustees would refer to the motion made by the Rev. (now the Right Reverend) Alexander Ewing, Bishop of Argyll, in the Diocesan Synod of Moray and Ross, praying for the *abolition* of Canon xxi., which he followed up by addressing letters to every clergyman in Scotland, asking them to join him in pressing the bishops to do away with the Scottish Communion Office. In justice to the clergy, it is right to mention that Mr. Ewing *received very little encouragement to persevere in his course.* But soon after this, the very Rev. E. B. Ramsay, Dean of Edinburgh, brought forward a motion in the Edinburgh Synod of a similar nature, which was understood to be intended as the precursor of a general agitation all over Scotland. The motion was not for its abolition, but that it should no longer be held of primary authority, and that its use should be still more restricted by the bishops than it now is. The composition of the Synod was such that a certain majority was looked for ; but through one of the mysterious interpositions of divine Providence, two of the dean's supporters were prevented from attending, and the motion was withdrawn to prevent its being negated.



The Church was allowed to remain at rest from these attempts to disturb her peace for several years, till Mr. Garden [Bishop Terrot's colleague at St. Paul's Chapel, Edinburgh] brought forward his motion in September last. This gentleman on that occasion advanced charges which were ready to be refuted at the annual meeting of the Church Society in December following. . . . He has circulated a memorial for signature amongst the clergy of the various dioceses of Scotland, which some of the deans have agreed to forward, and others have refused. It is not apprehended that Mr. Garden will receive more encouragement than Mr. Ewing did a few years ago."

"An additional attempt has been made by several laymen in Edinburgh, who have printed and circulated a statement, calling for a review of the canon; that is, in plain language, for a violation of the solemn compact entered into at the beginning of the present century. It is confidently trusted, however, that the bishops will be satisfied that the latter movement is only an indirect, though perhaps more skilful mode of pursuing an object *which, if attained, must result in the most disastrous consequences to the Church.* . . . The same hostile spirit has prevailed within the sphere of individual congregations. . . . The desire to assimilate our Church in all respects to that of England, *even where the change might be one much to be deprecated*, had great weight in the assault on the office. . . . The bishops being quite unable to provide money to make up for withdrawals of stipend, could give nothing to stay the plague but their remonstrances and their prayers,—so that in numerous cases the Scotch service was abolished for pecuniary considerations."

"The trustees wish that it was in their power to say that private individuals alone have made use of pecuniary influence towards the extirpation of the Scotch office. The

Edinburgh Diocesan Association of the Church Society, which is intrusted with the administration of a portion of the funds of that society, withdrew the salary of the exemplary missionary of the Old Town of Edinburgh, paid out of these funds, on the ground, as avowed by certain of their members, that the Scottish Communion Office had been adopted in his church. It will not, therefore, be matter of surprise that those who were exerting themselves for the extirpation of the Scotch office, and who flattered themselves that they had all but attained their object, should now be clamorous against the Building Fund for interfering to check the system of ‘*bribery*’ by which such designs were accomplished.”

“The repeated violation of the solemn compact by which the English independent congregations were admitted into the Church, will, it is to be feared, unless at once checked, lead to a return of matters to the position in which they stood prior to that event, with this difference, that these congregations, besides being schismatic themselves, *may perhaps be presided over by a schismatic episcopacy*. Such a result would, of course, be deeply deplored; *but it is preferable to the apostasy involved in surrendering the precious deposit* [the Scottish Communion Office] *committed to the Church of Scotland*, or allowing it to be degraded from the position which our forefathers stipulated that it should ever retain. The guilt of the schism will rest with those who violated this solemn compact; neither Scottish nor English churchmen will have any difficulty in recognising the ancient Scottish Church, *even under the circumstances to which we will only allude*. The trustees cannot conclude this branch of their statement without taking leave to observe upon the marked advance made in church principles in Scotland within the last four years. The attacks on the Scotch office have directed attention to its superior claims,

and defenders of it are every day arising in the most unlooked-for quarters."

In the above extracts allusions are made to some abortive attempts on the part of certain clerical and lay members of the Scottish Episcopal Church to *get rid* of the distinctive Communion Office. The following passages are selected from the most important cases.

1. *Extract from the motion made by the Rev. Mr. Ewing in the Diocesan Synod of Moray and Ross.*

"That the Synod express their desire that there should be no diversity of office between this Church and the United Church of England and Ireland, in the administration of the Holy Communion; and that a memorial be presented to the bishops by the dean, in the name of the Synod, respectfully praying them to take all necessary steps to effect this purpose by the *abolition* of Canon xxi."

2. *Extract from a Memorial addressed to Bishop Russell in 1843, from four of his Clergy in Glasgow.*

"We desire to call the attention of your reverence to the particular canon of the Church which makes the Scotch Communion Office of '*primary authority*.' In the preamble to the canons, it is stated, that the Scotch Episcopal Church is in perfect union with the Church of England; yet the particular canon in question invalidates the statement, for it destroys the *uniformity of worship* in the two churches, which, therefore, under such circumstances, *cannot be in perfect union*."

The above was signed by	{	GEORGE ALMOND. ISAAC HITCHIN. L. P. MERCIER. ROBERT MONTGOMERY.*
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\* This is the Mr. Montgomery who is now minister of Percy Proprietary Chapel, Charlotte-street, Tottenham Court-road.

3. *Extract from a Memorial addressed, in 1849, to Bishop Terrot and the Scottish Episcopal Clergy of Edinburgh, by several influential Lay Members of their Church.*

“ The declaration that the Scottish office is the authorized Communion Service of the Episcopal Church of Scotland, and the obligation to use that office exclusively on certain occasions, are obstacles to the ministrations in our Church, of clergymen ordained in England and Ireland, which occasionally have been found insuperable, and of which recent occurrences have increased the magnitude and importance. The choice of persons to fill offices in our Church is thus limited in a manner which we, the subscribers, cannot but consider prejudicial, and which, we are satisfied, would not have been desired, or intentionally promoted, by the pious men who framed these canons. Some Episcopal congregations in Scotland, it is believed, have refused to acknowledge the jurisdiction of the bishop of the diocese, because they object to use the Scotch office. The circumstances of the Church are changed since these canons were framed. The Scotch office has, it is believed, fallen into disuetude in many places; a large, probably an increasing, majority of the members of the Church now use the English office; and the subscribers are humbly of opinion that the time is come, when it would be for the benefit of the Church that the arrangement of 1811 should be revised, with a view to suit it to the altered relative position of the respective portions of the Church by whom the two several services are now used, and, at the same time, to adapt it to our increasing relations with the United Church of England and Ireland.”

These quotations must suffice. It appears that, within the pale of this *very small* Communion, the Scottish Episcopal Church—a Church that does not number 120 clergymen, including bishops and deans—there are two distinct societies. The one aims at the extirpation of the Scottish

Communion Office; the other labours to retain and to extend its adoption. The former resorts to stringent measures. "At the September meeting of the Episcopal Church Society, the Rev. F. Garden brought forward a motion to exclude from the benefits of that Society every congregation which had received aid from the Church Building Fund, on the ground that bribes have been offered by the trustees of the latter to bring about the restoration of the *Authorized Service* of the Church, and that the Society was imperatively called upon to protect the bishops from the *interference* of the trustees." The latter, regardless of that "peaceful submission" which was supposed to exist, are resolved to pursue their course of "interference," and, rather than part with the "national office," they are prepared to increase the schism by a step that "would bring Mr. Cheyne and others to a very painful alternative." The former will advance no money for building chapels unless the *English office* is alone received; and already has it withdrawn the salary from a town-missionary in Edinburgh, as appears above, on the ground that the *Scottish office* had been used in his church. The latter are determined that, *out of their fund*, not one shilling shall be expended on church-building, unless they, the trustees, have good security that the *Scottish office* shall be invariably introduced! Nor is this latter party an unimportant one. "It would appear," says Lord Fullerton, whilst giving judgment in the case of Sir William Dunbar *versus* Bishop Skinner, "from some of the disclosures made, in the course of the argument, that there is a *considerable party* in the Episcopal Church in Scotland, who hold the variation from, or addition to the English Liturgy, contained in the Scottish Communion Office, to be an essential improvement."

The following fact will tend further to show that the above is no exaggerated view of the determination of Scot-

tish Episcopalians now to do as their predecessors formerly did, viz., profess to be in communion with the Church of England, and adopt her Articles, while they adhere to their own peculiar dogmas, and are resolved to make everything bend to them. The *whole of the presbyters* under Bishop Skinner forwarded a memorial to him in 1844, entreating him to watch over the Scottish Communion Office, lest its assailants should succeed in ruining it. In this memorial they express their "decided conviction of the *decided superiority* of that office, (over the English,) inasmuch as therein the great *Eucharistic doctrines of the real presence and commemorative sacrifice* are more fully developed." Again, "Although we are unwilling to contemplate the possibility of the abrogation or even the remodelling of Canon xxi., yet, in such an event, we should feel it our duty to *protest against the sin*, which, in *abandoning the Scottish office, the relinquishment of such an amount of Catholic truth would involve.*" Once more, "For the reasons above stated, we solemnly declare, that, in our eyes, its relinquishment would be *tantamount to an apostasy!*"

A sufficient illustration has now been given of the Bishop of Salisbury's statement that the Scottish Episcopal congregations, as distinguished from members of the Church of England in Scotland, are "now living in peaceful submission to their several diocesans;" a statement, it is readily admitted, for which his Lordship is only responsible as having unwisely quoted it from an *anonymous* document.

The controversy among Scottish Episcopalians does not hinge entirely on the objectionable Communion office. Lay-members of that Church are frequently joining the *English congregations* on account of the erroneous doctrine which, as they suppose, is taught by their former ministers; and there are not a few who, in the absence of English Episcopal chapels in their own localities, have preferred

uniting themselves to the Presbyterian Church rather than remain any longer under the jurisdiction of the Scottish bishops. A Letter was published by a Lay-gentleman, so late as last year (1848,) in the *south* of Scotland, where religious storms have been less frequent than in the north. It is addressed to the Rev. Mr. McEwen, the Scottish Episcopalian minister at Dumfries. The writer says:—"I have frequently heard you assert from the pulpit that the members of the Church should believe what the Church believes, and that her ministers are the proper expositors of her doctrines. Much of that proposition I admit—and the rest of it I reject, as both dangerous and untrue. . . . I will not patiently allow it to be said that I am forsaking the Church of England, when I merely turn my back on the ministrations of him who leaves that other most holy, most catholic, and happily almost neutral section of the battle-field, where, with no great intellectual powers, so much real good may be achieved, and so many amaranthine honours may be won—to fight in the very front rank of that too numerous band, who, in the disguise of soldiers of the Church of England, and under her banners, struggle to re-establish in these realms all the baneful and extravagant influence of popish priests, and all the *worst* doctrines of the Church of Rome. . . . I think that it is at least safe, and prudent, and decent, as far as concerns myself, to withdraw quietly from a congregation where the minister indulges in themes which excite in my mind thoughts, suggestions, and emotions, which I believe it to be sinful for me to entertain when kneeling, or standing, or sitting, as a worshipper in any earthly temple of the Most High. . . . I must confess, that, knowing my own infirmities too well, I dread a *private* conference with one who, I clearly see, has completely prostrated his own fine understanding at the footstool of some demi-popish bishop, and has learned from them the very easy lesson of viewing all laical opinions on religious subjects

with that supreme contempt with which an Irish Roman Catholic priest is disposed to regard and to treat those of an Irish Roman Catholic labourer. To the probable results of the step I am now taking, I am not altogether blind. Some of them you have been pleased to point out to me. My answer to all such fearful predictions is only a smile."

As there is no English chapel at Dumfries, the author of the above letter has joined, in the mean time, the Presbyterian Church. Mr. M'Ewen published, in reply, an address to his congregation. He says:—"Is it objected that I occasionally teach the doctrine of the remission of sins, through the divinely-appointed channel of the priesthood? It is the doctrine of the word of God. . . . If God, in his wisdom, has appointed instruments for the conveyance of his forgiving grace, it is not for us to disparage the channel out of desire to do honour to the source." (p. 7.)

Take now an example of 'peaceful submission' on the part of a Scottish Episcopal Presbyter. Bishop Torry, of the Dunkeld district, complaining of one of his clergy on account of absence, wrote to him an admonitory letter. He says:—"It is proper to inform you that about six weeks or two months ago I was petitioned by a body of my clergy to have you tried in synod for a breach of Canon ix. of our Church; which trial would probably infer (!) a very painful penalty. And one of my colleagues, whom I had consulted, wrote to the same effect. . . . As something must be done to support the discipline of the Church, and to enforce the obedience due to Episcopal authority, I propose a more lenient measure. It is this: that, in order to prevent the probability of any sentence of degradation, you sign the enclosed document.



*“ Declaration and Acknowledgment.*

“I, the Rev. John Marshall, instituted to the charge of the Episcopal congregation at Blairgowrie, hereby acknowledge, with deep regret and sorrow, that, deluded by the vain hope of being employed in my clerical capacity, in England or elsewhere, I deserted, contrary to the earnest remonstrance and friendly advice of my bishop, the foresaid congregation, to the just displeasure, I fear, of my heavenly Lord and Master, and the manifest detriment of my flock,” &c. &c.

In the answers sent by Mr. Marshall we find the following confirmations of ‘peaceful submission:’—“I have received yours, dated St. John’s Day, 1844, in answer to mine of the 23rd instant. I have read it, *together with its inclosure*, with feelings of the utmost astonishment. It is no reply to my letter of the 23rd. Viewing your present communication to me in connexion with all the correspondence which has previously passed between us, I consider it my duty to place the whole matter in the hands of legal advisers.” “I have made inquiry as to the petition by ‘a body\* of your clergy,’ of which you speak; and several of these clergy inform me that they never even *heard* of such a petition.” “In the ‘Declaration and Acknowledgment’ which you wish me to sign, you would have me to say, that I resigned Blairgowrie because I had been ‘deluded by the vain hope of being employed in my clerical capacity, in England or elsewhere.’ This, right reverend Sir, was *not* the cause of my resignation; and to put my name to such a statement would be for me to tell an *untruth*. At the *time of my resignation*, I distinctly informed you what the cause, or rather the *causes*, of my resignation were.”

The above extracts are taken from a pamphlet, entitled,

\* The *body* of Bishop Torry’s clergy consists of *fifteen*, including the dean !

‘A Narrative of Facts, relative to the Origin, Progress, and Present State of Episcopacy at Blairgowrie. Addressed to the Bishops, Clergy, and Laity of the Scottish Episcopal Church. Edinburgh, 1845.’

It would not have been necessary to make so lengthened an exposure of clashing sentiments, contentions, and rebellions, existing in the *very small body* of Scottish Episcopalians, had not the assertion gone forth to the country, sanctioned by the voice of an English prelate, that these congregations, “are now living in peaceful submission to their several diocesans.”

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## H.

The Bishop of Exeter is perfectly correct in saying that the petitioners have met with very great success. The Circular, to which his Lordship alludes, was forwarded by the deputation from Scotland to several of the peers and bishops, for the express purpose of showing that the members of the Church of England in Scotland, although desirous of being placed under the jurisdiction of the Archbishop of Canterbury, would not, as there were difficulties discovered to be in the way, press that point, but would be satisfied, for the present, with such a discussion in the House of Lords as would lead to the removal of their heaviest grievance. In the attainment of this object they have been indeed most successful.

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## I.

The Article to which the Bishop of Exeter alludes is the xxxivth. It contains the following words:—"Every particular or national Church hath authority to ordain, change, and abolish, ceremonies or rites of the Church ordained only by man's authority, so that all things be done to edifying."

In the petition occurs this passage:—"While, therefore, they have referred to the proceedings of the Scottish Episcopal Church, they do not allude to these with the remotest desire that your Lordships should interfere to put any restraint whatever upon the members of that Church in connexion with its discipline or practice. . . . They have no desire to interfere directly or indirectly with the movements of the Scottish Episcopal body; they are quite satisfied that her members should be left at perfect liberty to issue excommunications or otherwise assert their principles," &c.

It is not easy to comprehend the *design* of the Bishop of Exeter in introducing into his speech matter which, as it seems, is quite foreign to the subject under discussion.

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## K.

The Bishop of Exeter has touched very cautiously on the differences between the respective Liturgies of the Church of England and of the Episcopal Church in Scotland.

The case may be thus stated: the petitioners declare that,

being members of the Church of England and attached to the *reformed* Liturgy of their Church, they will not join the Scottish Episcopal Communion, which gives "primary authority" to *another* Liturgy, differing from their own on essential points. These essential points of difference are particularised by the petitioners. The Bishop of Exeter stands forward in support of the Scottish Episcopalians. He observes:—"They (the Scottish Bishops) said, We think highly of your English Liturgy, but there are *deficiencies* in it, as it at present stands, which *we* will supply. They, therefore, formed the Communion Office mainly on the first book of King Edward VI., while the Church of England continued to use the office as altered in Edward's second book. Such was the origin of the Scottish Liturgy, as contradistinguished from the English." To all this the petitioners reply:—The members of the Scottish Episcopal Church are at liberty, if they think the English Prayer-book deficient, to adopt a liturgical office more in accordance with their own views; but we, as members of the Reformed Church of England, prefer the Liturgy of our own Church, which has been handed down to us by our forefathers, which is the service to which we have been accustomed, and to the '*exclusive use*' of which our clergymen are sworn. If the Church of England Liturgy is deficient, the improvements must be made, at least for Church of England men, by Church of England authorities. We are not disposed, with our attachment to the principles of the Reformation, to receive any alterations on so important a matter from the hands of the non-juring Scottish bishops of the last century. Other objections, however, of a more definite character we are prepared to allege.

The Bishop of Exeter adds:—"He did not mean to say that *no alterations* had *since* been made, (hear,) but such was the *origin* of the Scottish Liturgy." And thus his

Lordship himself escapes from further embarrassment, and leaves the Scottish Episcopalians exactly in the same equivocal position in which the petitioners have placed them. The whole question resolves itself into this—what is the *nature* and the *amount* of ‘alteration’ which the Scottish non-juring bishops of the last century made in the Communion Office of the first book of Edward VI.? The *origin* of the Scottish Communion Office is not *the* matter of dispute. The Bishop of Exeter traces his ecclesiastical pedigree from the Church of Rome. But what of that? And, in like manner, the petitioners do not trouble themselves about the *origin* of the Scottish Communion Office. They are mainly concerned with the ‘*alterations*,’—alterations made so recently as the year 1764\*—and made by the hand of *two* bishops, in some obscure corner of the realm. Whether this objectionable office had an “*Oriental*” (see the Bishop of Oxford’s Speech, p. 75) or a *Latin* origin, cannot possibly signify. The office, as it now stands, and as it is now used, differs essentially, in the opinion of the petitioners, from the corresponding service in the Church of England; and, on this ground, they peremptorily decline to place themselves in communion with that portion of the Episcopal Church in Scotland which is presided over by the Scottish bishops. The facts will now be stated.

First. The present form of the “Communion Office,” as used by the Scottish bishops,—which peculiar form has no greater antiquity than the year 1764, and which was brought into shape by *two* of their order in Scotland—differs materially from the first book of Edward VI. The first book of Edward may have been taken as a groundwork; but the present Scottish Office differs from it, in the arrangement of parts,

\* Mr. Skinner says 1765, but 1764 is the date assigned by Mr. Cheyne to the *first* edition of the altered Office.—See Skinner’s *Eccles. Hist. of Scotland*, vol. ii. p. 681.

in the language employed, and, as is alleged, in the sentiments conveyed. There is *considerable variety* in these two forms.

Second. The Liturgy of the Church of England, as alone sanctioned by the Act of Uniformity, and *unaltered* since it was “by the Convocations of both provinces *with great diligence* examined and approved,”—is based upon the *second* book of Edward VI. The second book of Edward is dated 1552. The first book bears the date of 1549. This earlier form is designated, “The SUPPER OF THE LORD, and the HOLY COMMUNION, commonly called the MASS.” The later is entitled, “The ORDER for the ADMINISTRATION of the LORD’S SUPPER or HOLY COMMUNION.” In the year 1549, there was much of gospel light compared with the darkness of preceding ages; yet, in the words of Fuller, the Church historian, it was only the “*twilight of religion*” that then prevailed. Our reformers, Cranmer and others, *advanced* in scriptural knowledge; and, therefore, in the second book of Edward there is a manifest wider departure from Rome than what obtains in the first book. Since, then, the authorised Reformed Liturgy of the Church of England is based, not on the first, but on the *second*, book of Edward VI., that is, on the Form of Prayer *furthest* from Popery,—and as the present Scottish bishops adopt a “Communion Office,” framed by their non-juring predecessors on the plan, not of the second, but of the *first*, book of Edward VI., that is, on the Form of Prayer *nearest* to Popery, the petitioners, being members of the Reformed and United Church of England and Ireland, although resident in Scotland, would refuse to join the Scottish Episcopal Church, even could it be shown, which it could not, that the first Liturgy of Edward had been followed, in Scotland, in all material points, by the non-juring bishops of the last century.

Third. The Communion Office, now sanctioned in Scot-

land, not only differs from the similar Office in the Liturgy of the Church of England, from the Book of Common Prayer intended for the Church of Scotland in 1637, and from both the Prayer-books of Edward VI., but it has *introduced* matter not found in any of these Liturgies, and has *omitted* matter adopted by the *most reformed* of these Liturgies, whereby there is taught in the Scottish Episcopal Church, on the authority of her canon law, doctrines which, approximating to those of Rome, are essentially opposed to the Churches of the Reformation. The few following examples of the more important variations will suffice.

*Variations in the Prayer of Consecration.*

*The united Church of England and  
Ireland.*

Almighty God, our heavenly Father, who of thy tender mercy didst give thine only Son Jesus Christ to suffer death upon the cross for our redemption; who made there (by his ONE oblation of himself once offered) a full, perfect, and sufficient sacrifice, oblation, and satisfaction, for the sins of the whole world; and did institute and in his holy Gospel command us to continue, a perpetual memory of that his precious death, until his coming again; hear us, O merciful Father, we most humbly beseech thee; and grant that we receiving these thy creatures of bread and wine, according to thy Son our Saviour Jesus Christ's holy institution, in remembrance of his death and passion, may be partakers of his most blessed body and blood: who, in the same night that he was betrayed, took bread; and when he had given thanks, he brake it, and gave it to his disciples, saying, Take eat, this is my body which is given for you; do this in remembrance of me. Likewise after supper he took the cup; and when he had given

*The Scottish Episcopal Church.*

All glory be to thee, almighty God, our heavenly Father, for that thou of thy tender mercy didst give thy only Son, Jesus Christ, to suffer death upon the cross for our redemption; who (by his own oblation of himself once offered) made a full, perfect, and sufficient sacrifice, oblation, and satisfaction, for the sins of the whole world, and did institute, and in his holy Gospel command us to continue, a perpetual memorial of that his precious death and sacrifice until his coming again. For, on the night that he was betrayed, he took bread, and when he had given thanks, he brake it, and gave it to his disciples, saying, Take, eat, THIS IS MY BODY, which is given for you: do this in remembrance of me. Likewise, after supper, he took the cup; and when he had given thanks, he gave it to them, saying, Drink ye all of this, for THIS IS MY BLOOD, of the New Testament, which is shed for you and for many, for the remission of sins: do this as oft as ye shall drink it, in remembrance of me.

thanks, he gave it to them, saying, Drink ye all of this ; for this is my blood of the New Testament, which is shed for you and for many for the remission of sins : do this as oft as ye shall drink it, in remembrance of me. Amen.

*(From the Post-Communion in the English Prayer Book.)*

O Lord and heavenly Father, we thy humble servants entirely desire thy fatherly goodness mercifully to accept this our sacrifice of praise and thanksgiving ; most humbly beseeching thee to grant, that by the merits and death of thy Son Jesus Christ, and through faith in his blood, we and all thy whole Church may obtain remission of our sins, and all other benefits of his passion. And here we offer and present unto thee, O Lord, ourselves, our souls and bodies, to be a reasonable, holy, and lively sacrifice unto thee ; humbly beseeching thee that all we, who are partakers of this holy communion, may be fulfilled with thy grace and heavenly benediction. And although we be unworthy, through our manifold sins, to offer unto thee any sacrifice, yet we beseech thee to accept this our bounden duty and service ; not weighing our merits, but pardoning our offences, through Jesus Christ our Lord :

Wherefore, O Lord and [THE OBLATION] heavenly Father, according to the institution of thy dearly-beloved Son, our Saviour, Jesus Christ, we, thy humble servants, do celebrate and make here, before thy divine Majesty, with these thy holy gifts, WHICH WE HERE OFFER UNTO THEE, the memorial thy Son hath commanded us to make ; having in remembrance his blessed passion, and precious death, his mighty resurrection and glorious ascension ; rendering unto thee most hearty thanks for the innumerable benefits procured unto us by the same.

And we most humbly [THE INVOCATION] beseech thee, O merciful Father, to hear us, and of thy almighty goodness vouchsafe to bless and sanctify with thy word and Holy Spirit these thy gifts and creatures of bread and wine, that they may BECOME the body and blood of thy most dearly beloved Son. And we earnestly desire thy fatherly goodness mercifully to accept this our sacrifice of praise and thanksgiving, most humbly beseeching thee to grant, that by the merits and death of thy Son, Jesus Christ, and through faith in his blood, we (and all thy whole Church) may obtain remission of our sins, and all other benefits of his passion. And here we humbly offer and present unto thee, O Lord, ourselves, our souls and bodies, to be a reasonable, holy, and lively sacrifice unto thee, beseeching thee, that whosoever shall be partakers of this holy Communion may *worthily receive the most precious body and blood of thy Son, Jesus Christ*, and be filled with thy grace and heavenly benediction, and made one body with him, that he may dwell in them and they in him. And although we are unworthy, through our manifold sins, to offer unto thee any sacrifice ; yet we beseech



by whom, and with whom, in the unity of the Holy Ghost, all honour and glory be unto thee, O Father Almighty, world without end. Amen.

thee to accept this our bounden duty and service, not weighing our merits, but pardoning our offences, through Jesus Christ our Lord; by whom, and with whom, in the unity of the Holy Ghost, all honour and glory be unto thee, O Father Almighty, world without end. Amen.

*Consecration Prayer in the First Book of King Edward VI.*

O God, heavenly Father, which of thy tender mercy didst give thine only Son, Jesus Christ, to suffer death upon the cross for our redemption, who made there (by his own oblation once offered) a full, perfect, and sufficient sacrifice, oblation, and satisfaction for the sins of the whole world, and did institute, and in his holy Gospel command us to celebrate, a perpetual memory of that his precious death, until his coming again; hear us, (O merciful Father,) we beseech thee; and with thy Holy Spirit and word vouchsafe to bless and sanctify these thy gifts and creatures of bread and wine, that they *may be unto us* the body and blood of thy most dearly beloved Son, Jesus Christ. Who, in the same night that he was betrayed, took bread: and when he had blessed, and given thanks, he brake it, and gave it to his disciples, saying, Take eat, this is my body which is given for you: do this in remembrance of me. Likewise, after supper, he took the cup, and when he had given thanks, he gave it to them, saying, Drink ye all of this; for this is my blood of the New Testament, which is shed for you, and for many, for the remission of sins; do this, as oft as you shall drink it, in remembrance of me.

¶ *These words before rehearsed are to be said, turning still to the altar, without*

*Consecration Prayer in the old Scotch (Laud's) Prayer Book of 1637.*

Almighty God, our heavenly Father, which, of thy tender mercy, didst give thy only Son, Jesus Christ, to suffer death upon the cross for our redemption, who made there (by his own oblation of himself once offered) a full, perfect, and sufficient sacrifice, oblation, and satisfaction for the sins of the whole world; and did institute, and in his holy Gospel command us to continue, a perpetual memory of that his precious death and sacrifice until his coming again: Hear us, O merciful Father, we most humbly beseech thee, and of thy almighty goodness vouchsafe so to bless and sanctify with thy word and Holy Spirit these thy gifts and creatures of bread and wine, that they *may be unto us* the body and blood of thy most dearly-beloved Son; so that we, receiving them according to thy Son our Saviour Jesus Christ's holy institution, in remembrance of his death and passion, may be partakers of the same his most precious body and blood; who, in the night that he was betrayed, *took bread*; and when he had given thanks, he brake it, and gave it to his disciples, saying, Take, eat, this is my body, which is given for you: Do this in remembrance of me. Likewise, after supper, he *took the cup*, and when he had given thanks, he gave it to them, saying, Drink ye all of this; for this is my blood of the New Testament, which is shed for you and for

*any elevation, or showing the sacrament to the people.*

Wherefore, O Lord and heavenly Father, according to the institution of thy dearly beloved Son our Saviour Jesu Christ, we, thy humble servants, do celebrate and make here before thy Divine Majesty, with these thy holy gifts, the memorial which thy Son hath willed us to make; having in remembrance his blessed passion, mighty resurrection, and glorious ascension; rendering unto thee most hearty thanks for the innumerable benefits procured unto us by the same; entirely desiring thy fatherly goodness mercifully to accept this our sacrifice of praise and thanksgiving; most humbly beseeching thee to grant, that by the merits and death of thy Son Jesus Christ, and through faith in his blood, we and all thy whole church may obtain remission of our sins, and all other benefits of his passion. And here we offer and present unto thee (O Lord) ourself, our souls and bodies, to be a reasonable, holy, and lively sacrifice unto thee: humbly beseeching thee, that whosoever shall be partakers of this holy Communion, may worthily receive the most precious body and blood of thy Son Jesus Christ, and be fulfilled with thy grace and heavenly benediction, and made one body with thy Son Jesus Christ, that he may dwell in them, and they in him. And although we be unworthy (through our manifold sins) to offer unto thee any sacrifice: yet we beseech thee to accept this our bounden duty and service, and command these our prayers and supplications, by the ministry of thy holy angels, to be brought up into thy holy tabernacle before the sight of thy Divine Majesty; not weighing our merits, but

many for the remission of sins: Do this, as oft as ye shall drink it, in remembrance of me.

¶ *Immediately after shall be said this memorial, or Prayer of Oblation, as followeth.*

Wherefore, O Lord and heavenly Father, according to the institution of thy dearly beloved Son, our Saviour Jesus Christ, we, thy humble servants, do celebrate and make here before thy Divine Majesty, with these thy holy gifts, the memorial which thy Son hath willed us to make; having in remembrance his blessed passion, mighty resurrection, and glorious ascension: rendering unto thee most hearty thanks for the innumerable benefits procured unto us by the same. And we entirely desire thy fatherly goodness mercifully to accept this our sacrifice of praise and thanksgiving; most humbly beseeching thee to grant, that by the merits and death of thy Son Jesus Christ, and through faith in his blood, we and all thy whole church may obtain remission of our sins, and all other benefits of his passion. And here we offer and present unto thee, O Lord, ourselves, our souls and bodies, to be a reasonable, holy, and lively sacrifice unto thee; humbly beseeching thee, that whosoever shall be partakers of this holy Communion, may worthily receive the most precious body and blood of thy Son Jesus Christ, and be fulfilled with thy grace and heavenly benediction, and made one body with him, that he may dwell in them, and they in him. And although we be unworthy, through our manifold sins, to offer unto thee any sacrifice; yet we beseech thee to accept this our bounden duty and service; not weighing our merits, but par-

pardoning our offences, through Christ our Lord; by whom, and with whom, in the unity of the Holy Ghost, all honour and glory be unto thee, O Father Almighty, world without end. Amen.

doning our offences, through Jesus Christ our Lord; by whom, and with whom, in the unity of the Holy Ghost, all honour and glory be unto thee, O Father Almighty, world without end. Amen.

### *Variations in the Form of the Distribution of the Elements.*

*The United Church of England and Ireland.*

**THE RUBRIC:** *And when he delivereth the bread to any one, he shall say,*

The body of our Lord Jesus Christ, which was given for thee, preserve thy body and soul unto everlasting life. Take and eat this in remembrance that Christ died for thee, and feed on him, in thy heart, by faith, with thanksgiving.

**RUBRIC:** *And the Minister that delivereth the cup to any one shall say,*

The blood of our Lord Jesus Christ, which was shed for thee, preserve thy body and soul unto everlasting life. Drink this in remembrance that Christ's blood was shed for thee, and be thankful.

**RUBRIC:** *(nearly the same as in the Scottish Office, except that the words to be used at the consecration of more bread and wine are taken from its own Consecration prayer.)*

*The Scottish Episcopal Church.*

**THE RUBRIC:** *And when he receiveth himself, or delivereth the sacrament of the body of Christ to others, he shall say,*

The body of our Lord Jesus Christ, which was given for thee, preserve thy body and soul unto everlasting life.

**RUBRIC:** *And the Presbyter or Minister that receiveth the cup himself, or delivereth it to others, shall say this benediction.*

The blood of our Lord Jesus Christ, which was shed for thee, preserve thy body and soul unto everlasting life.

**RUBRIC:** *If the consecrated bread or wine be all spent before all have communicated, the Presbyter is to consecrate more, according to the form before prescribed, beginning at the words, All glory be to thee, &c., and ending with the words, that they may become the body and blood of thy most dearly beloved Son.*

The words used in the distribution of the elements in Archbishop Laud's Office, and in the first book of Edward, are exactly the same as those in the present Scottish form. In the second book of Edward they are as follow:—"Take and eat this in remembrance that Christ died for thee, and feed on him in thy heart, by faith, with thanksgiving." The form then, as now used in the Church of England, consists of a union of the two different forms adopted separately in the two books of Edward.

*Variations in the Post-Communion.*

*The English Office.*

The Lord's Prayer.

*The Scottish Office.*

Having now received the precious body and blood of Christ, let us give thanks to our Lord God, who hath graciously vouchsafed to admit us to the participation of his holy mysteries; and let us beg of him grace to perform our vows, and to persevere in our good resolutions; and that, being made holy, we may obtain everlasting life, through the merits of the all-sufficient sacrifice of our Lord and Saviour Jesus Christ.

Neither does the first book of Edward, nor Laud's book, contain the above exhortation. It is peculiar to the present Scottish Office. The second Collect (after the Lord's Prayer in the post-communion of the English Liturgy) follows, in Laud's book, immediately after the distribution of the elements; it occupies a similar place, with the exception of a few preceding versicles, in the first book of Edward; and in the present Scottish Office it comes immediately after the exhortation above quoted. There are, however, some unimportant variations in the wording of this collect, as used in these different liturgies; and it varies most from the English form in the modern

Scottish alteration of it. In the Scottish Office the prayer for the Church Militant occurs *after* the *consecration*, and *before* the *distribution*, of the elements; and the words, '*militant here in earth*,' in the sentence which precedes it, are omitted. These words are not found in the *first* book, but they occur in the *second* book, of Edward, also in Laud's book, as well as in the English Service. The prayer itself stands in each of these three liturgies *before* the prayer of consecration.

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It will now be seen that the Communion Office, at present used by the Scottish Bishops, differs, not only from that of the Church of England, but also from the old "National Scottish Liturgy"—if such a title may be given to the service book of Laud—and from the first book of Edward VI. And the variations are important. The *doctrinal* examination of these changes will be reserved for Appendix W.

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## L

The Bishop of Exeter intimates that the petitioners have not fairly quoted the Address of Bishop Jolly. In drawing up a "petition," an essential element is *conciseness*, and, if an author is not *misrepresented* by the brevity of the extract quoted, it cannot be necessary, for the sake of a truthful argument, to adduce long passages. The petitioners desired to show—not that Bishop Jolly was inculcating *Romish* tenets, *but that he set up a standard of doctrine different from*

*that of the Thirty-nine Articles*—that he proposed the “Layman’s Account of his Faith and Practice” as the model by which the Thirty-nine Articles were to be tried. The passage brought forward in the petition is sufficient to establish this point. Any further quotation would have been superfluous. It is true, indeed, that Bishop Jolly, in the concluding part of his Address, denounces the teaching of the Church of Rome as “erroneous” and “corrupt.” So do the Tractarians of the present day write “bitter things” against Rome. No men were ever more angry with Rome than Messrs. Newman, Oakley, and Ward, at the commencement of their downward course. No stress, then, can be laid upon the fact of Bishop Jolly having carefully guarded himself (after he had approached Rome as near as was convenient) against the charge of Romanism. But this is not the point, as the Bishop of Exeter well knows, to which the petitioners direct public attention. Bishop Jolly affirmed that, as in England there is the “Institution and Erudition of a Christian Man,” whereby clergymen may interpret the Articles of their Church, so also must Scottish Episcopalians accept these Articles only when they do not contravene any doctrine set forth in the “Layman’s Account of his Faith and Practice.” This part of Bishop Jolly’s Address deserves severe reprobation. It is not true that English clergymen are at liberty to subscribe the Thirty-nine Articles in subjection to the doctrines contained in the “Institution and Erudition of a Christian Man”—a work written, it is supposed, in the reign of Henry VIII., at the very dawn of the Reformation, and in the compilation of which the Popish-bishop, Gardiner, took, according to Ridley, a prominent part. It is probable that Bishop Jolly derived the above erroneous notion from the works of the late Bishop Tomline. But the *only rule* for the interpretation of the Articles of the Church of England is laid

down in the following passage from his Majesty's 'Declaration' prefixed to the Articles:—"And that no man hereafter shall either print, or preach, *to draw the Article aside any way*, but shall submit to it in the *plain and full meaning* thereof: and shall not put his *own sense* or *comment* to be the meaning of the Article, but shall take it in the *literal* and *grammatical* sense." When, therefore, Bishop Jolly said, "In adopting the Articles of the United Church of England and Ireland, as the Articles of our Church, we must be candidly understood as taking them in unison with that book, [the Layman's Account, &c.,] and not thinking any expressions, with regard to the Lord's Supper, in the least inimical to *our practice* at the altar, in the use of the Scottish Communion Office," he did not fulfil the obligations of the law; and the consent then given to the Articles, qualified as it was, and without any intimation having been sent to the English prelates warning them of the reserved subscription, can be regarded as little else than an imposition upon the Church of England.

But, after all, who is this layman? It is very singular that the whole of the bishops and clergy, in convocation assembled, should have unanimously adopted the obscure work—a 'little book'—of an *unknown* layman, as the standard authority of appeal, in the event of any portion of the Thirty-nine Articles of the Church of England being considered as opposed to the doctrine of the Scottish Communion Office! The case is pregnant with suspicion.

This 'little book' holds rather a remarkable place in the history of the Scottish Episcopal Church, and some startling passages are to be found in its pages. The "Layman" gives much good advice, and says, "To all men, and in all situations, I think it necessary to practise sincerity, and avoid every kind of deceit."—p. 66, second edition. "Although *I am no priest*," he affirms, "nor impressed with any higher

veneration for the sacred character than what I think is justly due to it," &c.—p. 2, Again, in another place, "I have thought that a little assistance held out . . . by a *lay-hand* might not be unacceptable to the clergy," &c,—p. 96. It would seem, however, from the following quotations, that the late Bishop Skinner was the "Layman."—"It was fortunate, under Divine Providence, for the Scottish Episcopal Church that Bishop Skinner was Primus at the close of the eighteenth century. Amid the numerous associations and extensive correspondence of that distinguished prelate, he found leisure, in 1801, to publish the excellent little work entitled, 'A Layman's Account of his Faith and Practice,' &c. . . . A second edition of Bishop Skinner's valuable work was soon demanded by the public, which he personally superintended while in the press," &c.—*Lawson's Hist. of the Scot. Epis. Church*, p. 351.—"In 1803, Bishop Skinner was induced to publish an octavo volume entitled, 'Primitive Truth and Order Vindicated,' &c. . . . There is another book published by Bishop Skinner, to which a greater degree of popularity has been awarded. It bears the title of 'A Layman's Account of his Faith and Practice, &c. ;' and has, since 1801, passed through two large editions."—*Bishop Russell, in Appendix to Keith's Catalogue of Scottish Bishops*, pp. 535, 536.

Bearing in mind the party represented by the humble "Layman," it is amusing to find him saying, "I hope there can be no harm in suggesting whether it might not be expedient, and an act of good policy in the government of this country, as well as great kindness to a number of its deserving subjects, to extend some mark of royal favour to the Scottish Episcopal Clergy," &c.



## M.

The bold assertion made by the Bishop of Exeter, that the Liturgy of the American Episcopal Church is 'almost identical' with that of the Episcopal Church in Scotland, drew forth an immediate refutation from an able and well-informed correspondent in the columns of the "Standard" under the signature of *Amicus Curiae*. It is to be regretted that his Lordship should, in the Charges which he delivers to his clergy,\* and in his public speeches, expose himself to the frequent and just accusation of advancing statements calculated to mislead his uninformed disciples.

If, indeed, the Protestant Episcopal Church in America had, with the Scottish Episcopal Church, departed from the principles of the Reformation, the English churchman, true to his principles, would not have considered the errors of another communion a justification of his own want of fidelity. However, the American Liturgy, whilst adapted to the general form of the first book of Edward, has *not* copied the most objectionable parts of the Scottish Office. It has certainly introduced the Prayer of Oblation and Invocation, after the model of the Scottish form, immediately after the prayer of Consecration. But the following *variations* in the two services will be sufficient to show that the bishops in America reject the particular errors retained in Scotland.

*The Scottish Form.* CONSECRATION.

"Who (by his own oblation of himself once offered) made a full, perfect, and sufficient sacrifice, oblation, and satisfaction," &c.

*The American Form.* CONSECRATION.

"Who made there (by his own oblation of himself once offered) a full, perfect, and sufficient sacrifice," &c.

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\* See Mr. Goode's Examination of the last Charge delivered by the Bishop of Exeter, second edition, for examples of the extraordinary historical and theological mistakes committed by his Lordship.

The OBLATION is the same in both Forms.

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*The Scottish Form.* INVOCATION.

"And, of thy almighty goodness, vouchsafe to bless and sanctify, with thy word and Holy Spirit, these thy gifts and creatures of bread and wine, *that they may BECOME the body and blood of thy most dearly beloved Son.* And we earnestly desire thy fatherly goodness," &c.

*The American Form.* INVOCATION.

"And, of thy almighty goodness, vouchsafe to bless and sanctify, with thy word and Holy Spirit, these thy gifts and creatures of bread and wine, *that we, receiving them according to thy Son our Saviour Jesus Christ's holy institution, in remembrance of his death and passion, may be partakers of his most blessed body and blood.* And we earnestly desire thy fatherly goodness," &c.

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Except these variations, *on the most important points*, the prayers for *consecration* and *invocation* are the same both in the Scottish and American Liturgies.

The form for *distributing the elements* used in the American Liturgy is identical, not with the first book of Edward, and therefore not with the Scottish form, (see Appendix K.,) but with that of the Church of England. The American Liturgy does not introduce the exhortation, commencing with the words, "*Having now received the precious body and blood of Christ,*" which occurs in the Scottish Office immediately after the elements have been received; and the *Post-Communion* in the American Liturgy is almost identical with that of the Church of England.

It is now obvious that the Bishop of Exeter gains nothing, in support of the Scottish Episcopalians, by his reference to the Communion Service of the Protestant Episcopal Church in America. And yet Mr. Cheyne also thinks that the American Episcopalians are more orthodox than the members of the English Church. He says:—"That office itself, (the Scottish,) as first published in 1637, may

in fact be regarded as a revision of the English, being a step *in the way of return towards the fuller exhibition* of the truth made in the first book of Edward—a process which has been carried out farther and more consistently in the office sanctioned by the existing canons of the Church in Scotland, while the same high doctrine is witnessed to by the American Liturgy, which has those very peculiarities so strongly objected to of late.” (*Scottish Communion Office Vindicated*, p. 15.)

The American Liturgy, however, has *not* the ‘very peculiarities’ objected to in the Scottish Office. This has just been proved above. Perhaps Mr. Cheyne alludes to the circumstance of the Scottish and American offices, both having introduced into the *oblation*-prayer the words, ‘*which we now offer unto thee.*’ Otherwise his statement has not even the appearance of support in any one particular.

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## N.

The alterations, to which the Bishop of Cashel alludes, in the canon respecting the Communion Office, are the following.

*Extract from Canon xv. in the Code of 1811.*

“ It is also enacted that, in the use either of the Scotch or English office, no alteration or interpolation whatever shall take place, nor shall any change from the one to the other be admitted, unless it be agreeable to the minister and his congregation, and approved of by the bishop. In respect, however, to the authority which sanctioned the Scotch Liturgy, and for other good and sufficient reasons, it

is hereby enacted, that the Scotch Communion Office shall be used in all consecrations of bishops; and that every bishop, when consecrated, shall give his full assent to it, as being sound in itself, and of primary authority in Scotland; and therefore shall not permit its being laid aside, where now used, but by the authority of the College of Bishops."

*Extract from Canon xxvi. in the Code of 1828.*

"And it is also enacted, that, in the use either of the Scotch or English Office, no alteration or interpolation whatever shall take place; nor shall any change from the one to the other be admitted, unless the change be approved of by the bishop. In respect, however, to the authority which sanctioned the Scotch Liturgy, and for other sufficient reasons, it is hereby enacted, that the Scotch Communion Office shall be used in all consecrations of bishops, and that every bishop, when consecrated, shall give his full assent to it, as being sound in itself, and of primary authority in Scotland."

*Extract from Canon xxi., in the code of 1838.*

"And it is also enacted, that, in the use of either the Scotch or English Office, no amalgamation, alteration, or interpolation whatever shall take place, nor shall any substitution of the one for the other be admitted, unless it be approved by the bishop. From respect, however, for the authority which originally sanctioned the Scotch Liturgy, and for other sufficient reasons, it is hereby enacted, that the Scotch Communion Office continue to be held of primary authority in this Church, and that it shall be used not only in all consecrations of bishops, *but also at the opening of all General Synods.*"

## O.

The passage quoted by the Bishop of Cashel from the opinion given by Lord Jeffrey continues thus:—" Yet this sentence declares that henceforth his ministrations are devoid of all authority, and that he has ceased to be a member of Christ's mystical body. All this, too, is said without any explanation whatsoever. If this had been done secretly—if the sentence were contained in a sealed book, one might feel compassion and other feelings; but, on the contrary, there is the fullest publication. I must say that I wonder much, that when it is admitted that what was done by the pursuer [Sir William Dunbar] was done conscientiously, such a separation should be treated as sinful. The pursuer, though no longer within the pale of the same church, at least remained within the pale of christian charity. I should otherwise have deferred to the jargon used in such sentences—if I may presume so to call it—but when I see the tenor of the present one, I cannot do so."

Lord Fullerton, in giving judgment on the same point, said:—" It may be that this tremendous sentence [the excommunication of Sir William Dunbar]—this declaration of forfeiture of the whole of the pursuer's rights as an ordained presbyter, is merely the usual technical form in which the Episcopal Church in Scotland declares a party to be no longer a clergyman subject to a Scottish bishop. But it will require some pretty strong and clear evidence to make out that point, and, until it is so proved, we cannot hold the defender, [Bishop Skinner,] who not only pronounced the sentence, but published it in the way most offensive and injurious to the pursuer, to stand free from the consequences."

## P.

The extract quoted by the Bishop of Cashel is taken from the notes appended to a sermon preached by Mr. Cheyne, in Bishop Skinner's chapel, Aberdeen, in the year 1844, and in the presence of the "bishop and clergy of the diocese of Aberdeen, in Synod assembled." The passage to which the note refers is the following:—"Our Church has certainly a voice which she can utter through the legitimate organs by which the Church has always spoken. She is not reduced to the hard necessity of speaking by a statesman's lips, or developing her inward life and spiritual power through an Act of Parliament; and yet it must be said, however unwelcome the expression, that she speaks with "stammering lips," whether in the enunciation of her doctrines, or the utterance of her will, as the judge and ruler of her children and subjects, entrusted with the keys of heaven—the power to bind and to loose. Though in one grand point of Catholic doctrine she has kept and witnessed, not faithfully and consistently indeed, but still kept and witnessed the truth, in other respects she has been contented with the discordant utterances of a mixed theology, and perhaps boasted of the comprehensive laxity which tolerates the extremes of Catholic truth on the one hand, and Protestant heresy on the other. It is probable, indeed, that this is owing to the overbearing weight of an extraneous power, to which our destiny seems to have bound us beyond the possibility of release; but the very want of vigour to throw off this superincumbent pressure, [the weight of the Church of England?] argues some moral deficiency in the system, as it is brought to bear upon the actual difficulties of our position." Page 13, and notes, p. 22.

Mr. Cheyne also says,—“ I must express my deep conviction, founded upon reflection, observation, and experience, that nothing but the revival of *confession*, under its sacramental sanctity, can enable the Church to act as the true mother and guide of God's children. She has been, and is, most fearfully neglectful of this the chief and most essential part of her duty.” Page 26.

No wonder then that, with such sentiments, this writer should feel but little sympathy with the Reformed English Church. He elsewhere says:—“ At all events there seems to be on all hands a strange forgetfulness that our Church is no dependency of the Church of England, nor our bishops suffragans of the see of Canterbury. We are an independent body, and in the very sentence where we profess to be in full communion with the United Church, the right is asserted of ordaining, changing, or abolishing ceremonies.” (Cheyne's *Vindication of the Scottish Communion Office*, p. 44.) Again:—“ Cranmer and his associates, according to the testimony of Peter Martyr, acted under the threat that if the Church refused to make the alterations, the king would proceed in a parliamentary way in spite of it. The Liturgy [of the Church of England] was revised, and it must be admitted that, in the Communion Office, a *suppression of truth took place to a very great extent*, which was effected partly by omissions, and partly by such dislocation of parts, as deprived what was allowed to remain of much of its real meaning. It was a sad indication of the *downward progress* of the Church of England towards the error of the Swiss Reformer.” (p. 13.) Nor can we now be surprised at hearing Mr. Cheyne declare,—“ If to acknowledge obligations to the teaching of such men as Dr. Pusey and Mr. Newman, indicate a tendency to Romanism, I most gladly admit it.” (Foot note to Second Edition of Sermon preached before the Synod at Aberdeen in 1844.)

Let it be remembered that Mr. Cheyne is a *leader* of one of the parties within the communion of the Scottish Episcopal Church—this Church being divided, although it does not muster many more than a hundred clergymen, into two opposite and contending parties. (See Appendix G.)

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Q.

There are many people who imagine that the Scottish Communion Office is a kind of “*national Liturgy of Scotland*,” and consequently they think it has some claim to antiquity. But, as was proved in a former note, this Communion Office, in its present objectionable character, can trace its origin no further back than to the year 1764, and that, instead of being “*national*,” the nation of Scotland never had any acquaintance with it; for it was concocted, obscurely enough, by two bishops, whose names and qualifications are scarcely known, and even the existence of the office itself might have continued unknown to the Scottish nation, had not its erroneous tenets been discovered and revealed by Protestant English clergymen. Another erroneous impression has now to be removed from the public mind. The Scottish bishops, it is supposed by those who are not better informed, are the legitimate descendants of the ancient and national prelates of Scotland, and, as such, they ought to be venerated. But the Bishop of Cashel has declared in the House of Lords,—“They are not the successors of the ancient Episcopal Church of Scotland: that came to an end A. D. 1603. It was revived through consecration by bishops of the Church of England;—that, again,



failed, and the Scottish Episcopal Church now derives its succession from, and traces its pedigree through, the non-juring bishops after the Revolution!" And this statement is supported by the following testimony of the Rev. Mr. Perceval, whose particular attention has been directed to the investigation of apostolical pedigrees. He says:—"The ancient line of Scottish bishops, by whom the greater part of Saxon England had been evangelised, who had supplied our northern dioceses with many bishops, and furnished many worthies for the Christian rolls, came to an end in the person of James Beaton, Archbishop of Glasgow, who died April 24th, 1603. Seven years afterwards the Christians in Scotland received a fresh succession of bishops from England, when John Spottiswood, Andrew Lamb, and Gavin Hamilton, were consecrated respectively Bishops of Glasgow, Brechin, and Galloway. The mandate for the consecration, directed to the Bishops of London, Ely, Rochester, and Worcester, is in Archbishop Bancroft's Register, at Lambeth, f. 175. *But the record of the consecration itself I have not been able to find.*\* In Bishop Keith's Catalogue of Scottish Bishops, it is stated to have taken place in the chapel at London House, Oct. 21, 1610. This succession came likewise to an end, as concerns Scotland, in the person of Thomas Sydserf, who died Bishop of Orkney in 1663. . . . But previously to Sydserf's death, another consecration of bishops for the Church in Scotland had been obtained from England. For on Dec. 15, 1661, as appears by Archbishop Juxon's Register, at Lambeth, f. 237, James Sharp, Andrew Fairfull, [properly *Fairfowl*,] Robert Leighton, and James Hamilton, were consecrated respectively to the sees of St. Andrews, Glasgow,

\* " Their consecration not in the Register. . . . They are said to have been consecrated at London House, October 21, 1610, by George London, Launcelot Ely, and James Bath and Wells."

Dumblane, and Galloway.”\* The *present* bishops in Scotland are not, then, in succession from the ancient Scottish prelates. The old and primitive succession *died out* in 1603, and two distinct successions seem to have been subsequently received from England—the latter of which occurred in 1661.

From 1662 to 1688, the *greatest uncertainty* exists respecting the consecrations in Scotland. This was the time that witnessed the temporary restoration of Episcopacy—it was an epoch of the greatest ecclesiastical confusion, during which every canonical requirement may have been disregarded, and almost every irregularity practised! The following table, copied from the Appendix of Mr. Perceval’s work, will convey a startling truth to those members of the Scottish Episcopal Church who may be disposed to rest upon the doctrine of unbroken Episcopal succession, as essential to the constitution of the Church of Christ.

“It is with regret,” observes this author, “that I find myself unable to give more particulars of the consecrations in Scotland between 1662 and 1688;”† and speaking of the authorities on which he depended, he says:—“For these I am indebted to Keith’s Catalogue of Scottish bishops; Skinner’s Ecclesiastical History of Scotland; Skinner’s Annals; and to private information from the present Bishop of Aberdeen; the Rev. Dr. Hook; and Thomas Stephen, Esq., Medical Librarian of King’s College, London.”‡

\* An apology for the Doctrine of Apostolical Succession, by the Hon. and Rev. A. P. Perceval, B.C.L., Chaplain in Ordinary to the Queen; second edition, 1841, pp. 200, 250, dedicated to the Archbishop of Canterbury.

† Apology, p. 256.

‡ Apology, p. 256.

No.	Name of Bishop.	Name of See.	Date of Consecration.		Name of Consecrators.
			Year.	Month.	
1	James Sharpe	St. Andrews	1661	Dec. 15*	{ Gilbert, <i>London</i> George, <i>Worcester</i> Richard, <i>Carlisle</i> Hugh, <i>Llandaff</i>
2	Andrew Fairfull	Glasgow			
3	Robert Leighton	Dumblane			
4	James Hamilton	Galloway			
5	George Haliburton	Dunkeld	1662	May 7	{ James, <i>St. Andrews</i> , 1 Andrew, <i>Glasgow</i> , 2 James, <i>Galloway</i> , 4
6	Murd. Mackenzie	Moray			
7	David Strachan	Brechin			
8	John Paterson	Ross			
9	David Fletcher	Argyll	1662	June 1	Unknown†
10	Robert Wallace	The Isles			
11	George Wishart	Edinburgh			
12	David Mitchel	Aberdeen			
13	Patrick Forbes	Caithness	1663	Unknown	Unknown
14	Alex. Burnet	Aberdeen	1664	Easter	Unknown
15	Patrick Scougal	Aberdeen	1664	Unknown	Unknown
16	Andrew Honyman	Orkney	1664-5	Unknown	Unknown
17	Henry Guthrie	Dunkeld	1666	Unknown	Unknown
18	William Scrogie	Argyll	1671	Unknown	Unknown
19	Alexander Young	Edinburgh	1673	Unknown	Unknown
20	James Ramsay	Dumblane	1674†	Unknown	Unknown
21	John Paterson	Galloway	1675	April 28	Unknown
22	Arthur Ross	Argyll	1676	Unknown	Unknown
23	Robert Laurie	Brechin	1677	May 7	Unknown
24	William Lindsay	Dunkeld	1677	Unknown	Unknown
25	James Aitkins	Moray	1678	Unknown	Unknown
26	Andrew Wood	The Isles	1678	Unknown	Unknown
27	George Haliburton	Brechin	1679	Unknown	Unknown
28	Andrew Bruce	Dunkeld	1679	Sep. 5	Unknown
29	Colin Falconer	Argyll	1680	Unknown	Unknown
30	Hector Maclean	Argyll	1680	Unknown	Unknown
31	Archibald Graham	The Isles	1682	Unknown	Unknown
32	Robert Douglas	Brechin	1684	Unknown	Unknown
33	Alex. Cairncross	Brechin	1684	Dec. 25	Unknown
34	James Drummond	Brechin	1686	Unknown	Unknown
35	Alexander Rose	{ Moray, afterwards Edinburgh }			
36	John Hamilton	Dunkeld	1686	Oct. 19	Unknown
37	William Hay	Moray	1688	Unknown	Unknown
38	John Gordon	Galloway	1688	Sep. 4	Unknown

\* Bishop Keith, in his Catalogue of Scottish Bishops, edited by the late Bishop Russell, has made curious blunders, showing how little reliance can be placed on his List of the Consecrations. He twice affirms (pages 182, 267) that *Leighton* was consecrated December *twelfth*, 1661, but, at page 42, he includes *Leighton* among the bishops consecrated December *fifteenth*. He also says that the Bishop of *Winchester* and two others were the consecrators, (page 267,) whereas there were *four* consecrators, and, as appears in the above table, the Bishop of *Winchester* was *not* one of them! Again, Bishop Keith says, (page 42,) that Bishop *Fairfoul* was consecrated December 15, 1661, but, page 265, he declares that the consecration took place in *June* 1662.

† Where Perceval has left a blank, in consequence of the *uncertainty* of the names of the Consecrators, the word *unknown* has been introduced, in order to render the fact more conspicuous.

‡ Keith's Catalogue gives 11th February, 1676. Page 270, note. And Mr. Stephen, in the *last* and *new* list, gives the year 1675!! Mr. Lawson, in

## CONTINUATION OF CONSECRATIONS IN SCOTLAND FROM 1688 TO 1735.

No.	Name of Bishop.	Name of See.	Date of Consecration.	Name of Consecrators.
39 40	John Fullarton, John Sage, }	No See, *	Jan. 25, 1705	{ John Paterson, 21 Alexander Rose, 35 Robert Douglas, 32
41 42	John Falconar, Henry Chrystie, }		April 28, 1709	{ Alexander Rose, 35 Robert Douglas, 32 John Sage, 40
43	Arch. Campbell,		Aug. 24, 1711	{ Alexander Rose, 35 Robert Douglas, 32 John Falconar, 41
44	James Gadderar,		Feb. 24, 1712	{ George Hickes. John Falconar, 41 Arch. Campbell, 43
45 46	Arthur Millar, William Irvine, }		Oct. 22, 1718	{ Alexander Rose, 35 John Fullarton, 39 John Falconar, 41
47 48	David Freebairn, Andrew Cant, }		Oct. 17, 1722	{ John Fullarton, 39 Arthur Millar, 45 William Irvine, 46
49 50	Alex. Duncan, Robert Norrie, }		1724	{ John Fullarton, 39 William Irvine, 46 Arthur Millar, 45
51 52	John Ouchterlonie, Jas. Rose or Ross, }		Nov. 29, 1726	{ David Freebairn, 47 Alex. Duncan, 49 Andrew Cant, 48
53	Thomas Rattray,		June 4, 1727	{ James Gadderar, 44 Arthur Millar,† 45 Andrew Cant, 48
54 55	John Gillan, David Rankin, }		June 11, 1727	{ David Freebairn, 47 Alex. Duncan, 49 James Rose, 52
56 57	William Dunbar, Robert Keith, }		June 18, 1727	{ John Ouchterlonie, 51 James Gadderar, 44 Arthur Millar, 45
58	Andrew Lumsden,		Nov. 2, 1727	{ Thomas Rattray, 53 Andrew Cant, 48 Thomas Rattray, 53
59	Robert White,		June 24, 1735	{ Robert Keith, 57 Thomas Rattray, 53 Robert Keith, 57 William Dunbar, 56

his History of the Scottish Episcopal Church, has given the names of two bishops as being the consecrators of *John Paterson*, but the only *authority* offered by him is that he has "*ventured*" to do it!"—Hist. p. 578.

\* Since the establishment of Presbyterianism, there have been no *Territorial Dioceses* in Scotland, nor can there be such Dioceses as long as the law of the land stands as at present.

† Mr. Perceval has given Bishop *Duncan*, (No. 49,) instead of *Millar*, as assisting Gadderar and Cant in the consecration of Rattray; and Mr. Lawson, copying from Mr. Perceval, has adopted the error. Bishop Duncan united with his brethren, the College Bishops, in the formal declaration of their Synod, given

Such is the catalogue of Scottish bishops during the period of twenty-six years. Scarcely anything is known about the consecrations from 1662 to 1688. In the year 1688, Episcopacy in Scotland was *disestablished*—the bishops were deprived of their temporalities, and there were no further consecrations until 1705. The latter of the two preceding Tables will show as many of the Scottish consecrations, subsequent to the Revolution, as is necessary for the present object. It would be needless to pursue the succession lower down than the year 1735, when *Ratray*, *Keith*, and *Dunbar*, united in consecrating White: for Mr. Skinner himself, treating of this era in his *Ecclesiastical History of Scotland*, allows that from *these three* the “*present bishops derive their succession.*” \*

With these Tables, compiled entirely from authorities conversant with these matters, *and known as warm friends to the Scottish Episcopal Church*, there will be no difficulty in arriving at an impartial and accurate conclusion. Mr. Skinner, the Scottish Episcopal Historian, assures us that the succession in Scotland is to be referred to Bishops *Ratray*, *Keith*, and *Dunbar*—the last consecrating bishops mentioned in the foregoing list; and this assurance may be confirmed by a glance at Mr. Perceval's continuation of the Catalogue. But it is manifest that the whole concatenation formed by the *post-revolution* consecrations, or *Utopian* bishops, (as they were sometimes called,) is dependent upon the *first three* links by which it is connected with the consecrations anterior to the Revolution. These three links are Bishops *Pater-*

hereafter, by which the consecration of Bishop Ratray was solemnly pronounced “null and void.” Moreover, there is the positive evidence both of Mr. Skinner, in his *History*, vol. ii. pp. 644, 695, and of Bishop Russell, in the Appendix to *Keith's Catalogue*, p. 537, that Bishop *Millar*, and not Duncan, was the party concerned.

\* Vol. ii. p. 648.

*son, Rose, and Douglas*, who, in 1705, raised *Fullarton* and *Sage* to the Episcopate. But on referring to Nos. 21, 35, and 32, in the above List, it is proved that scarcely *anything is known* respecting the consecrations of *Paterson, Rose, and Douglas*. Whether they were ordained by *apostolical hands, canonically and regularly*, is a question beyond the power of living man to resolve. And this obscurity accompanies the anxious inquirer during the period of TWENTY-SIX YEARS previous to the Revolution! How great the *uncertainty* here presented! And yet, if there is only *one* flaw, *one link missing*, the entire superstructure, based on a supposed succession from the Apostles, is shivered to atoms.

The greatest possible UNCERTAINTY then exists with respect to the *validity* of the consecrations of the present Scottish bishops. No man on earth can trace their pedigree; for there are no existing *authentic* records of Scottish consecrations from 1662 to 1688. But the *positive irregularity* of the orders of the *present* Scottish bishops remains to be pointed out. THERE IS A NOTABLE FLAW IN THEIR SUCCESSION. They are in the direct line, as appears above, from *Ratray, Keith, and Dunbar*.

Now first,

$\left. \begin{array}{l} \textit{Dunbar} \\ \text{and} \\ \textit{Keith} \end{array} \right\}$	were consecrated by	$\left\{ \begin{array}{ll} \textit{Gadderar}, & 44 \\ \textit{Millar}, & 45 \\ \text{and} & \\ \textit{Ratray}, & 53 \end{array} \right.$
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But *Gadderar* had no authority whatever to assist at the consecration, because his own consecration was *worthless*. As follows:—

$\left. \begin{array}{l} \textit{Gadderar} \end{array} \right\}$	was consecrated by	$\left\{ \begin{array}{ll} \textit{Hickes}, & \\ \textit{Falconer}, & 41 \\ \text{and} & \\ \textit{Campbell}, & 43 \end{array} \right.$
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But *Hickes* was never properly invested with the Episcopal office—he was a notorious schismatic, and his pseudo-consecration rests upon the three non-jurors, *White*, *Lloyd*, and *Turner*, who were not merely *deprived* by the state, as Mr. Skinner would leave his readers to infer,\* but were already actually *deposed* by the Church of England; for the consecration of *Hickes* took place in 1694, whereas the Sees of *Peterborough*, *Norwich*, and *Ely*, were not only taken from *White*, *Lloyd*, and *Turner* by the *civil power*, but, in 1691, they were filled up by the *Church*, in the appointment of three other bishops, viz.—Richard Cumberland, John Moore, and Simon Patrick. On what authority, then, did the deposed bishops, *White*, *Lloyd*, and *Turner*, undertake to sustain a double Episcopate in English dioceses by the consecration of *George Hickes*! “As, previously to the execution of this deed,” † says Mr. Perceval, “Tillotson had been consecrated Archbishop of Canterbury, by the consent of a majority of sixteen to six of the bishops of the province, no less than six being present, and assisting at the consecration, it does not readily appear upon what grounds any force could have been claimed for this instrument, even during Sancroft’s lifetime; but certainly it must have been worth nothing at all after his death, which took place November the 24th, 1693. Yet after his death, partly, apparently, relying upon the virtue of this deputation, the deprived Bishops of Norwich, Ely, and Peterborough, proceeded to consecrate two bishops, namely, *George Hickes*, as Suffragan of Thetford, and Thomas Wagstaffe, Suffragan of Ipswich. Under what plea consecrations performed in the province of Canterbury,

\* Eccles. Hist., vol. ii. p. 694, note.

† Sancroft, after he was deposed from the See of Canterbury, signed a deed, shortly before his death, deputing to Bishop Lloyd, the non-juror, his powers as Metropolitan.

without consultation or approval of the bishops of the province, whose legitimate institution was never called in question, and without the approval of the now existing Metropolitan, can be regarded otherwise than as *irregular* and *schismatical*, I am at a loss to conceive. It should seem that the deprived bishops themselves had *misgivings* on the subject, for they made no attempt to repeat the step; and it was not till after a lapse of twenty years, during which all the deprived bishops and Wagstaffe had died off, that *Hickes* determined to keep up a succession of bishops for the non-jurors; for which purpose he applied to the bishops in Scotland, two of whom, [*Gadderar* and *Campbell*,] paying more regard, apparently, to their *political attachments* than to the *canons of the Church*, agreed to meddle with the affairs of a province in which they had no voice, and, together with *Hickes*, consecrated *Collier*, *Spinckes*, and *Hawes*.\* *George Hickes*, then, had no authority to assist in the consecration of *Gadderar*. He was a schismatic, consecrated (if the word may be used) by a schismatic, that is, by a *non-juring*, *deprived*, and *deposed* bishop of the English Church. He was deposed and had ceased to possess the official power of a bishop before he took part in the consecration of *Gadderar*.

In the rejection of *Hickes*, the consecration of *Gadderar* rests upon *Falconar* and *Campbell*. But, independent of *Hickes*, and even supposing the orders of *Falconar* and *Campbell* to be, what they certainly are not, *unquestionably* good, the consecration of *Gadderar* was *irregular* and *schismatic*. It took place in *London*, where *Falconar* and *Campbell*, being Scottish bishops, and without authority there for the exercise of an episcopal function, could not canonically consecrate a bishop. The consecration was a

\* *Perceval's Apology*, p. 243.



private one, and was effected in utter disregard of both the canons and practice of the Church.\* Moreover, the consecration was irregular, because *two* bishops were insufficient for the purpose. Bishop Gibson, treating of the law respecting the number of bishops requisite to effect a valid consecration, says :—" This, therefore, is left to the ancient laws and canons of the Church ; which *admit of no consecration* by a *less* number of bishops than *three* ; the necessity of which number is also *supposed* by our own constitution, requiring, that the elected bishop be presented to the *archbishop* by *two* bishops. But it is to be observed, that the number of *three* was that, *under* which the consecration could not be *canonical*, and that all the laws of the Church upon this head do, at the same time, *intend* the *personal* presence of *as many* bishops of the province as can conveniently come ; according to the rule in Gratian, *Episcopi ab omnibus, qui sunt in provinciâ sua, debent ordinari. Si vero hoc difficile fuerit, vel aliqua urgente necessitate, vel itineris longitudine ; certe tres Episcopi debent in unum*

\* " It was a rule in the primitive Church, that no bishop should ordain in another's diocese without his leave."—*Bingham's Antiquities of the Christian Church*, Edition 1710, vol. i. p. 104.

" The next thing to be taken notice of in this affair is, that every bishop, by the laws and custom of the Church, was to be ordained *in his own church*, *in the presence of his own people*, which is plainly intimated by Cyprian, when he says, [p. 68.] That to celebrate ordinations *aright*, the neighbouring bishops of the province were used to meet at the church where the new bishop was to be ordained, and there proceed to his election and ordination."—*Ibid.* p. 150.

Both Mr. Skinner, in his History, vol. ii. p. 609, note ; and Bishop Russell, in his Appendix to Keith, page 531, endeavour to smooth over this uncanonical proceeding. They both say the same thing in almost the same words. The former observes :—" This consecration of Bishop Gadderar, *though seemingly out of the usual course*, yet, having been not only with Bishop Rose's consent, but likewise at his express desire, was approved of by all his Scottish brethren." But Mr. Skinner gives no *proof* of this. And Mr. Stephen glosses over the irregularity.

congregari, ita ut etiam cæterorum, qui absentes sunt, consensum in literis teneant." \* "The ancient usage was, to summon all the bishops of the province, and for the absents to send their excuses, and that there should be *no consecration* without *two* at least *assisting*, [and, therefore, *three* must be the *least* number allowed ;] as appears from many constitutions in the body of the canon law." † "When a bishop died, all the bishops of the province were called together to ordain a successor in his room. He was commonly chosen by the clergy and *people* of the vacant Church. The *Metropolitan* was to be present at this ordination, and he *could not do it* unless *two* bishops of the province were *with him*, and the *rest consented* to it." ‡ The *irregularity* attending the consecration of *Gadderar* must now be evident, and that the whole proceeding was grossly *schismatical*, is equally manifest from the fact already proved, that the two bishops were acting in concert with *Hickes*, who, at the very time, was fomenting schism in the Church of England! This is enough. The consecration of *Gadderar* by *Hickes*, *Falconar*, and *Campbell*, must be regarded, at least by all who are patrons of order and admirers of the usages of antiquity, as void and worthless. §

\* Codex Juris Ecclesiastici Anglicani, by Edmund Gibson, D.D., Bishop of London. Second edition, 1761, vol. i. p. 111.

† Gibson's Codex, vol. i. p. 116. See also pages 135, 136.

‡ Du Pin's History of Ecclesiastical Writers. Edition 1693, vol. ii. p. 288.

§ Lockhart, in a letter to the Chevalier, dated April 25, 1720, speaking of Bishop Campbell, says ;—" Though adorned with none of these qualifications requisite in a bishop, and remarkable for some things inconsistent with the character of a gentleman, was *most imprudently consecrated* some years ago, is coming here [to Scotland] from London with a view of forming a party," &c. See the *Lockhart Papers*, vol. ii. p. 37. Even Mr. Skinner observes of this bishop—" In his later days, he carried his singularities to such a length, as to form a separate Nonjuring Communion in England, distinct from the Sancroftian

To proceed :—In the rejection of *Gadderar*, the consecration of *Dunbar* and *Keith* rests upon Bishops *Millar* and *Ratray*. But, as we have seen, a consecration is not canonical, unless *three* bishops *at least* take part in it. There are, however, other elements of confusion to be brought forward. The Scottish Episcopal Church has not a single prop to support her pretensions to an apostolical succession. The following *facts* will leave a painful and distinct impression upon every candid mind. In the early part of last century, the Scottish bishops were divided into two factions, and these factions were engaged in acts of open hostility towards each other—both parties labouring to obtain the ascendancy in the establishment of their respective opinions. The *one side* was designated the “*College of Bishops* ;” and these were struggling to *reject* from the Scottish Episcopal Communion the *usages*, that is,—1st, The mixing of water with wine in the Eucharist; 2nd, *The commemorating of the faithful departed at the altar* ; 3rd, Consecrating the elements by an express invocation ; and, 4th, Using the oblationary prayer before distribution, as in the present Scottish form.\* The *other side* was termed, in contradistinction, the “*Usager-Bishops*,” because they were promoting the adoption of the *Usages*. In the year 1727, this controversy reached its height, and exhibited the unholy spectacle of bishops—divided among themselves—and each party endeavouring, *by rapid consecrations*, to overwhelm the other ! A glance at the preceding *Table* will show, that, between June the 4th and 18th in this year, there were no less than three distinct consecrations, and the history of the period

line, and even ventured, in contradiction to the opinion and advice of his brethren in Scotland, upon the *extraordinary step* of a single consecration *by himself, without any assistant*.”—Hist. vol. ii. p. 608, note.

\* Skinner's Eccles. Hist. vol. ii. p. 623.

proves that these were effected by the hostile parties in their zeal to outstrip one another. Mr. Skinner himself shall support the assertion. "The contention between the College, as they called themselves, and those who favoured the restoration of the old regular system, [the *Usages*,] came to be managed, if not by equal arguments, yet by *equal numbers*." \*

*The divided bishops were June the 4th, 1727, as follows:—†*

THE COLLEGE.	THE USAGERS.
1. Freebairn, No. 47.	1. Gadderar, No. 44.
2. Duncan, 49.	2. Millar, 45.
3. Ouchterlonie, 51.	3. Cant, 48.
4. Rose, 52.	

Now, on this day, June the 4th, 1727, Thomas Rattray was consecrated by the above-mentioned three *Usagers*, viz., Gadderar, Millar, and Cant; and this was done in direct opposition to the *College Bishops*, who then formed the majority.‡ The College Bishops evinced their displeasure by consecrating, on the 11th of the same month, the two

\* Skinner's Eccles, Hist. vol. ii. p. 645.

† Norrie died in March, and Irvine in November, 1725. Campbell, who was now busily engaged in trying to widen the unhappy breach in the English Church, was probably in London, having *resigned* his cure in Scotland, and thereby lost all *legitimate authority* in Scottish matters. Bishop Russell, speaking of Campbell, says, "On the 10th of May, 1721, he was elected, by the clergy of Aberdeen, to be their ordinary; but, finding that his views in regard to the *usages* were not approved by the greater number of his brethren, he did not long discharge the duties attached to his new office. He resigned in the year 1724." See Appendix to Keith's Catalogue, p. 530.

‡ The numbers were *four* against *two*, for Gadderar was never canonically consecrated, and was an intruder.

bishops, *Gillan* and *Ranken*, whose sentiments were opposed to the Usagers, and by which act they increased their own number to *six*. And not only did they *suspend* Bishop *Millar*, who was accused of *simony*, in connexion with the elevation of *Rattray*, but, moreover, the election of *Rattray* was declared by these six bishops to be *null and void*, and that he was destitute of authority for the performance of any episcopal function in the Episcopal Church in Scotland.

*The sentence passed upon Rattray is as follows :—*

“ We, the majority of the College of Bishops, convened at Edinburgh, have thought ourselves obliged in conscience to declare, and by these presents do declare, the said election to be null and void, and their consecrations most irregular and uncanonical, and that the said Dr. Rattray and Mr. Dunbar are no bishops of this Church, and ought to claim no power or jurisdiction as such. Wherefore, we discharge all the clergy from owing or submitting themselves to them, or giving them any obedience as bishops of this Church, &c. ; and appoint this to be intimated. Given at Edinburgh, the 29th of June, 1727, and subscribed by us.

“ JO. OUCHTERLONIE, Bishop.

DA. RANKEN, Bishop.

JO. GILLAN, Bishop.

ALEX. DUNCAN, Preses.

DAVID FREEBAIRN, Bishop.

JA. ROSS, (*i. e.* ROSE,) Bishop.” \*

\* Extracted from a MS. Collection of Holograph Documents, formerly in the possession of the Rev. Thomas M'Crie, of Edinburgh. “These men's pretensions to the title and jurisdiction of bishops were null and void, according to the express words of the sentence issued out against them by the majority aforesaid, *which sentence stands unrepealed against them to this day*, and attested by the subscriptions of Bishops Duncan, Freebairn, Rose, Ouchterlonie, Ranken, and Gillan, who denounced it. (This original paper is dated at Edinburgh, June 29, 1727.) Therefore, the pretensions of the successors in office of Messrs. Rattray, Dunbar, and Keith, whereby they claim the title of

*The sentence on Bishop Millar.*

" June 28, 1727. The College of Bishops being met, &c., find themselves obliged, for recovering the peace and unity of this Church, so miserably violated and broken by him, to suspend, and by these presents do suspend, the said Arthur Millar from the exercise of any part of the Episcopal Office within this national Church, and particularly within the diocese of Edinburgh, to which we have declared he has no right or title, aye and while he give satisfaction to our reasonable overtures formerly made to him, both by word and writ: and appoint these presents to be intimated to the said Bishop Arthur Millar, and to the presbyters of the diocese of Edinburgh, that none concerned may pretend ignorance." (*Holograph Documents*, as already quoted.) See also Mr. Stephen's *History of the Episcopal Church in Scotland*, vol. iv. p. 253.

To return: the consecration of *Dunbar* and *Keith* rested, as we have seen, upon the uncanonical number of *two* consecrators, viz., Millar and Rattray. But the election of *Rattray* was pronounced, by a majority of the bishops in synod, to be *invalid*, and therefore he, *not possessing Episcopal authority*, could not assist in giving validity to a consecration. His *election*, indeed, was 'null and void'—his *consecration*, as is affirmed, was '*simontacal and private*';\* and whether he is considered, in virtue of his having been consecrated, albeit irregularly and uncanonically, a bishop, or not, it is obvious that as he was devoid of authority, *consecrators*, and Episcopal jurisdiction, as being by them, and *them alone*, appointed and promoted to their imaginary Episcopate, must be esteemed (*upon all church principles*) equally void and null: it being impossible that any can communicate more perfect orders or claims to Episcopal jurisdiction, than they themselves possess."—*Principles, Political and Religious, &c.*, by Norman Sievwright, M.A., Edinburgh, 1767, pp. 301, 307—316.

" The Episcopal sentence against *Millar*, *Rattray*, and *Dunbar*, and, by implication, against *Keith*,) was never repealed, and may be seen in the Synodical Records attested by the signatures of Bishops Rose, Duncan, &c."—*Christian Observer*, Feb. 1844, vol. xlv.

\* Letter, July, 1740, from Bishop Ouchterlonie to Mr. Semphill, Perth.

*crations* performed by him cannot be recognised as *valid*. The consecration, therefore, of Dunbar and Keith, (as Gadderar and Rattray are both proved to have been destitute of the necessary power to consecrate,) is based exclusively on Millar. But *one* bishop is not allowed, by canon law, to consecrate. Therefore the consecrations of Dunbar and Keith must be regarded, on high church principles, as of no value whatever. And, as Rattray's election was cancelled by a majority of bishops, and as, therefore, he had no authority in the Scottish Episcopal Church, and, as the present Scottish bishops are descended from Rattray, Keith, and Dunbar, it follows that the Scottish Episcopate cannot legitimately,—that is, on Church principles,—claim validity for its ordinations, or an acknowledgment of jurisdiction.

Nor can the *Concordate*, as it was called, of 1732, remove the force of these objections. The sentences of suspension and deposition were never repealed, and the College Bishops were only forced into a truce with the Usager Bishops, by a sense of their own weakness as a party. “The adherents of the College party, and even their bishops, now perceived that all their efforts and influence *could not resist the progress of their diocesan opponents*. . . . Conferences were held between the junior bishops of each party; Bishop Keith in behalf of the Diocesans, and Bishop Gillan on the side of the College adherents. A meeting was held towards the end of December, 1731, and a deed was accordingly prepared, called a *Concordate*, which was subscribed by all the bishops on the 13th May, 1732, *which completely ended the novel scheme of governing the Church by a College of Bishops*.”\*

This document contained the following articles of agreement:—“I. That we shall only make use of the Scottish or English Liturgy in the public divine service, nor shall we

\* Lawson, Hist. p. 257. Also, Skinner's Hist., vol. ii, pp. 645, 646.

disturb the peace of the Church by introducing into the public worship any of the ancient usages, concerning which there has lately been a difference amongst us; and that we shall censure any of our clergy who shall act otherwise. II. That hereafter no man shall be consecrated a bishop of this Church without the consent and approbation of the majority of the other bishops. III. That upon the demise or removal elsewhere of a bishop of any district, the presbyters thereof shall neither elect, nor submit to, another bishop, without mandate from the primus, by consent of the other bishops. IV. That the bishops of this Church shall, by a majority of voices, choose their primus, for convoking and presiding only, and that no bishop shall claim jurisdiction without the bounds of his own district. V. We, the bishops of the Church of Scotland, have chosen and appointed Bishop Freebairn to be our primus, for convoking and presiding only, according to the foregoing article." The sixth article appropriates the several districts to the bishops then living.\* And, as another proof of the irregularity and carelessness with which important matters were transacted in this church, Rattray was now permitted to officiate as a bishop, although the sentence, declaring his election to be void, remained unrepealed.

The several points now established are,—

1. The present Scottish bishops are not descendants from the ancient line of the prelates of Scotland.
2. Although the Church of England supplied Scotland on two different occasions (in 1610 and 1661) with bishops, yet there is no record to prove that the succession was properly sustained, for no one can tell either the exact dates or place of consecration, or the names of the consecrators, between the years 1662 and 1688.
3. The present bishops in Scotland trace their origin to

\* Lawson, Hist. 257, 258. Skinner, vol. ii. p. 646.



non-jurors and schismatics. This the Bishop of Cashel has distinctly affirmed, and the history here given fully substantiates the statement. They are the proper descendants of that small and troublesome party who, after the revolution, and after the Church of England had deposed the refractory prelates, violated the canons of the universal Church, and laboured hard to perpetuate divisions and discord.

4. Besides the above incontrovertible facts, it has also been shown that, so great were the irregularities occasioned by the dissensions among the Scottish bishops themselves, and so uncanonical were their proceedings, from the year 1712 to 1731, that it is scarcely possible not to perceive that, whatever claim other bishops may have to a succession from the apostles, this succession is assuredly destroyed with respect to the bishops in Scotland.

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The above conclusions are so inevitable from an examination of history, that many are the efforts made on behalf of the Scottish bishops to establish the claim of an apostolic pedigree. It is said that the records, which 'probably' contained a list of the Scottish consecrations from 1662 to 1688, were destroyed by the fire which in 1834 burned the Houses of Parliament to the ground. But unhappily there is no evidence that these records contained any such list. The evidence is on the other side. For it is fair to presume that, if the list of consecrations could have been perfected by means of any document extant, the several historians, Mr. Skinner, and Bishop Keith, and Bishop Russell, who published their respective catalogues *before* the records were destroyed, and whilst they were within reach in the library at Sion College, would not have omitted the opportunity of

completing so very important (in their estimation) a portion of their work. But you will search in vain for any light upon the subject in either of these histories, and the observation already quoted from Mr. Perceval must be considered as final. "It is with regret," he says, after a patient and laborious investigation, "that I find myself unable to give more particulars of the consecrations in Scotland between 1662 and 1688."

So important indeed do the high-church party in Scotland consider the charges made against the succession of their bishops, that in a work lately published, and which professes to be the history of the Church in Scotland, there appears a *new list* of the consecrations, and this list fills up *some* of the many vacancies. It certainly appears strange that in 1845—such is the date of the work in question—light should have been obtained to disperse the darkness in which all former historians were involved, and that, not unlike the discovery of the marbles of Nineveh, the missing record of by-gone days should be untombed for the admiration of the present and of future ages. Here again the Scottish Episcopal Church has placed herself in the hour of difficulty under lasting obligations to a *layman*; for the "History of the Church in Scotland" is written by Mr. Thomas Stephen, the medical librarian at King's College, London, and this layman has undertaken to remove the difficulties which baffled all the attempts of Mr. Perceval, of Bishops Russell and Keith, and of Mr. Skinner. On turning to consult this work, and to ascertain whether Mr. Stephen, like Layard at Nimrood, has really effected a discovery, the first thing that startles the inquirer is the announcement, innocently enough made, that the *new list* is the result of the enterprise of an undergraduate of Wadham College, Oxford! "I have, however," Mr. Stephen adds, "made *some alterations* in it, to correspond with the histo-

rical evidence contained in this work, for the *general* accuracy of which *I think* I can vouch, having given the authorities at foot from whom my information was derived." (See the Appendix to Mr. Stephen's History, at the end of vol. iv.) It is really unnecessary to pursue this subject any further. The reader, if he is curious, can look into the new list, with its accompanying explanations, and it is confidently predicted that he will then be more than ever persuaded of the utter hopelessness of establishing for the Scotch bishops (except through the non-juror and schismatic, *George Hickes*,) any apostolical-lineal connexion with the prelates of the Church of England.

It may, however, be advisable to give in this place an estimate of the value to be attached to the *historical* statements published by Mr. Stephen. The *peculiar style* of letter-writing adopted by the present Bishop Skinner is familiar to the readers of this pamphlet. They will remember that, in the correspondence with Sir William Dunbar, the primus of the Scottish Episcopal Church used the following choice language:—"If you feel more inclined to presbyterian rule and practices, then become at once an Independent, and do only that which seemeth right in your own *distorted vision*, throw consistency of conduct and profession *entirely at your heels*," &c. &c. In letters subsequently written, on the same subject, to another of his presbyters, Bishop Skinner employs and applies the words, "*your mulish obstinacy*," "*completely stultified*," &c.; and he concludes not infrequently after the following fashion:—"I received and am exceedingly ill pleased with your letter of this afternoon, [a letter from the Rev. Mr. Taylor, respectfully declining to read from his "altar" the excommunication of Sir William Dunbar,] to which I will reply in fitting terms by-and-bye. Yours, as you merit." Again:—"You may rest assured that I am not much longer to be

trifled with in the manner which you have pursued for some months past. Ever yours, as you are pleased to demean yourself," &c. (*See the whole of this singular correspondence in Mr. Drummond's Sketches of Episcopacy in Scotland, Appendix.*)

Now, the only reason why Bishop Skinner is again introduced to the public under such unenviable circumstances is to draw attention to the *credit* due to the opinions and historical assertions advanced by Mr. Stephen. This writer, speaking of the controversy between Sir W. Dunbar and the primus, says:—"I deeply regret that space cannot be afforded for the *whole of this correspondence*, which, on the part of the schismatic, is replete with ignorance, presumption, and self-conceit. On the other hand, the bishop's letters are firm, *conciliatory*, and *dignified*, (!) and they are a complete specimen of that vigour and promptitude which such an unprecedented case required." (Vol. iv. p. 608.) Surely the primus of Scottish Episcopacy would have felt very uncomfortable had Mr. Stephen found 'space' in his volume for the publication of the whole of the correspondence addressed to Sir W. Dunbar and Mr. Taylor.\* This question is now settled. The Bishop of Cashel has emphatically declared:—"Neither a love for truth, nor a respect for legitimate Episcopal order, will allow a true intelligent member of the Church of England to join himself and submit himself to the jurisdiction of the Scotch Episcopal Church, differing in its formularies and *irregular* in its succession."

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\* The letters of the reverend baronet, written in language such as *gentlemen* are wont to employ, will be found in the "Report of the Speeches of Counsel, and the Opinions of the Judges, in the First Division of the Court of Session, March 3, 1849. Published by Blackwood and Son, Edinburgh, and London."

## R. S. T.

The Duke of Buccleuch is not quite correct in saying that the 'Scotch Episcopal Communion' is recognised in state proclamations. The language employed in such cases is the following:—"By the Lords of her Majesty's most Honourable Privy Council, it is this day ordered by their Lordships, that every minister and preacher, as well of the Established Church in that part of Great Britain called Scotland, as those of the Episcopal Communion, protected and allowed by an act passed in the tenth year of her Majesty Queen Anne," &c. This extract is from a proclamation dated August 6, 1844.

Now the Act of Queen Anne protects *all* Episcopalians in Scotland—that is, members of the Church of England and Ireland, as well as those of the 'Scotch Episcopal Communion;' and the state proclamations do not, as it appears, give any preference to the one body over the other. The state desires that all Episcopalians should enjoy toleration; and this is secured by the act of Anne. The Archbishop of Canterbury, in 1786, speaking to a Scottish Episcopalian, said, "When you do apply for a repeal, take care not to ask too much, lest you obtain nothing. You were happy and prosperous under Queen Anne's toleration; ask nothing more than to be again placed under its protection." (Lawson's History of the Scottish Episcopal Church, p. 334.)

The Duke of Buccleuch further observes, that English Episcopalians may, if they choose, confine themselves to the use of the Liturgy of the Church of England. His Grace is certainly in error here. Suppose a congregation is

formed, and, as has happened several times lately, the *Scottish Office* is alone brought into use, the members of the English and Irish Church who attend this chapel—and perhaps there may be no other within reach—must either cease to be communicants or else receive the sacrament in the objectionable form. It happened last summer (1848) that an English clergyman, the incumbent of a Scottish Episcopal chapel in Glasgow, withdrew, with his family, from the house of God immediately after the consecration of his bishop, and *before* the sacrament of the Lord's Supper was administered, because, on that occasion, as was required by the canon, the *Scottish Office* was introduced. A gentleman, a landed proprietor in Perthshire, and a member of the Church of England, recently travelled several miles from his own house, at Easter, for the purpose of receiving the sacrament at a Scottish Episcopal chapel, where the English form is known to be used; but, on arriving, he ascertained that the minister would not admit him to the communion, because he did not bring from the minister of the chapel near his own property a certificate to show that he was a regular communicant there. Now, in this other chapel, the *Scottish Office* is invariably used. The gentleman was not, therefore, a communicant under its minister. And he was consequently refused the sacrament where the *English Office* was in use! Of course the Duke of Buccleuch is not aware of the evils and hardships and annoyances to which English churchmen in Scotland are subjected. He brings his own chaplain into Scotland, worships God, according to his conscience, in his own chapel, and, as his wishes are not frustrated, he is content with Scottish Episcopacy.

Again,—the Duke of Buccleuch observes that, when he sees “eminent members of the English universities” accept

of charges and become bishops in the Scottish Episcopal Church, he cannot believe that the Bishop of Cashel is justified in charging the Liturgy of that Church with a Romish tendency. In answer to this the words of the Bishop of Worcester may here be introduced :—" With regard to the passage in the extract from the Glasgow newspaper, which you have sent me, that all objection to the obnoxious Communion Service should be removed, because four out of the seven Scotch bishops are English clergymen, educated at one of the English universities, holding English degrees and ordained by English bishops. I am compelled to admit that among the clergy of our Church there are so many entertaining Romanistic views, (as has been of late evinced by such frequent conversions to the Roman Catholic faith,) that no security can be derived from this circumstance to those who profess themselves members of the Reformed Church of England and Ireland." And these remarks of the Bishop of Worcester will be forced with overwhelming power and application upon the mind when it is announced, as a fact *recently* witnessed, that the CHAPLAIN OF THE DUKE OF BUCCLEUCH, a clergyman in English orders, and selected by his Grace for the chapel at Dalkeith in Scotland, has APOSTATISED, and is now a MEMBER OF THE CHURCH OF ROME!

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U.

The late Sir William Forbes wrote to Sir William Scott, (Feb. 15, 1805,) to inquire " whether English ordained clergymen in Scotland, *by uniting with the Scottish bishops,*

rendered themselves incapable of church preferment in England; or, in the event of holding such preferment at the time of their union, whether they endangered its continuance by such a measure." (Skinner's Annals, p. 364.) Sir William Scott, in his reply, (Sept. 8th, 1805,) says :— " You may be assured that the new Archbishop [of Canterbury] feels all the sentiments of affection and respect for the Episcopal Church in Scotland, which, you know, his lamented predecessor entertained, and will be ready to express it on all occasions. I should be extremely happy in the opportunity of introducing you to his acquaintance when business calls you to London. You will find him animated with the same spirit. His opinion concurs with mine, that a minister of the Church of England can incur no disability in England by communicating with the sister Church, if that can be called a sister, which, by the late acts of your respectable community, is become almost identically the same. It is quite impossible that any impropriety, either legal or (as far as I may be allowed to judge) theological, can attach to an entire conformity to the Protestant Episcopal Church in Scotland, during a clergyman's residence in that country. It is surprising how such a notion could have found its way into the minds of men in your country as that the English bishops aspired to any authority there. All that friendly and kind communication with our Episcopal brethren in Scotland can give, they may always command from the English bishops. But authority or jurisdiction in Peru is not more out of their thoughts than in Scotland. They have all due respect for the Established [the Presbyterian] Church, acknowledge its increasing good offices to the Church of England, and are very ready to make a common cause against the fanatical enemies of establishments in both countries." (Annals, p. 389.)

The opinion, then, of Sir William Scott was asked and



obtained—not as to whether English clergymen in Scotland ought to submit to the jurisdiction of the Scotch bishops—but whether, *if they so submitted*, they would be liable to ecclesiastical censure or deprivation in England! The reader will judge of its relevancy to the present debate. It does not touch upon the question of the assumed power of Scotch bishops over English ministers in Scotland. Yet this was the question before the House. It states, what members of the Church of England in Scotland fully admit, and have always admitted, that an English bishop has no jurisdiction in Scotland. It further expresses a friendly feeling on the part of the English bishops towards their “Episcopal brethren in Scotland,” and also (although the Bishop of Oxford did not quote it) towards the *Presbyterian* Establishment. Sir William Scott also concluded that the Scotch Episcopal Church had subscribed *ex animo* the Thirty-nine Articles, and was *bonâ fide* Protestant.

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## V.

The quotation from the letter of the late Archbishop of Canterbury is certainly more to the point than the preceding extracts from Bishop Horsley and Sir William Scott. This letter was written by the primate in answer to a communication which his grace had received from the Rev. Mr. Ewing, a Scottish Episcopal clergyman; but, although the demand has been made, the nature of the communication has never been given to the public. It is impossible, therefore, to say what statements may have reached the ears of the Archbishop to the prejudice of English Churchmen in Scotland.

However, it is unfortunate for the cause, which the Bishop of Oxford is advocating, that the late excellent Archbishop should have written *too much*. He said:—"In order to prove their right to this designation, [that of Episcopalians,] they should be able to show what bishop in England has authority, by law or by custom, to regulate their worship, and to direct or control their ministers in respect of discipline or doctrine." His grace must have forgotten at the moment that the chaplains of Greenwich and Chelsea Hospitals—all the dockyard and garrison chaplains—all the naval and consular chaplains, (witness the case at Madeira,) and all the clergymen who hold livings called "Peculiars," of which there are many in England and Ireland, officiate, as clergymen of the United Church of England and Ireland, without any Episcopal license, and subject to no Episcopal control!

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## W.

The Bishop of Oxford defends the Scottish Episcopal Church from the charge of ultra Romanism. The groundwork of the charge is this:—The Roman Catholic Missal, the first Book of Edward VI., and Archbishop Laud's Service Book, in the prayer of consecration, use the words—"That they *may be unto us* the body and blood," &c.; whereas the Scottish Communion Office prays for the Holy Spirit to *descend upon the elements of bread and wine* in order that **THEY MAY BECOME** the body and blood," &c. The Liturgy which prays that bread and wine may *become* the body and blood of Christ, by means of the Holy Spirit descending on *them*, conveys, as many think, the idea of change—*transub-*

*stantiation*,—in a fuller sense than is conveyed by the Roman Catholic Mass-book, which simply asks that the elements *may be unto the partakers* the body and blood of Christ. The Protestant could join in this part of the Roman Missal—he could pray that the bread and wine may be *unto him* the body and blood of Christ *spiritually* received—he could pray that the Spirit of God may enter into *him* whilst he is partaking of the symbols of the body and blood of his Saviour; but, unless he believes in *some kind of change* to be wrought upon the *very elements* themselves, he cannot ask God to send his Holy Spirit to operate on the bread and wine, that *they* MAY BECOME the body and blood, &c. And yet the Bishop of Oxford maintains (page 74, 75,) that the “retention” of this peculiar, or *oriental*, form of consecration, is the *proof* of the PROTESTANTISM of the Scottish Episcopal Church! The Protestantism, then, of the Scotch bishops has emanated, according to his Lordship’s view, not from the Protestant Reformers, but from the benighted source and the unreformed Liturgy of the Greek Church!!

The Bishop of Oxford, however, enters upon an argument. In the report of his speech, as taken down by the Morning Chronicle reporter, and as revised by his Lordship’s own hand, there occurs the following passage:—“When he came to see upon what it was founded, it appeared to him that, whether it was viewed doctrinally or historically, it was capable of being utterly shattered to pieces; and he quite marvelled at its having been put forth by any person who had studied the subject in the smallest degree. First, with regard to the historical argument. Would their Lordships believe that with respect to the special point of doctrine referred to by the right reverend prelate, (the Bishop of Cashel,) the Roman Catholic Church rejected altogether the very words and the very prayer for containing which this Liturgy was said to be Roman? Nor was this done accidentally, but of necessity.”

Now the above passage conveys, in the strongest manner possible, an unequivocal confirmation of the charge brought against the Scottish Episcopal Church—the charge of *ultra* Romanism, that is, of going *beyond* Rome in the choice of words to signify a *change* in the elements. Mr. Cheyne, the Scottish Episcopal controversialist, can explain this intricate question. He says:—"I may be allowed to make one other remark, viz. that in the Roman ritual there is, properly speaking, *no prayer for the descent of the Holy Ghost*; there is a prayer that "God would vouchsafe to render the oblation blessed," &c, and it is introduced *before* the recital of our Saviour's words. This is mentioned merely to show how little foundation in truth there is for the assertion that our office is formed on the model of the Roman; otherwise the forms of invocation, differing in expression, yet harmonise in sense, for we are sure that there can exist no holiness, whether intrinsic or relative, in things or persons, but through the agency of the Holy Ghost, whose presence it is therefore proper that we should invoke, either expressly or implicitly. We do it *expressly* in the Scottish Office; in the English and Roman it is done by *implication*; for when, in the one, God is implored to "render the oblation blessed," and in the other to grant that "we may be partakers of Christ's body and blood by receiving the creatures of bread and wine," we pray equally for the descent of the Holy Ghost, because without his presence and agency what we pray for cannot be accomplished." (Vindication of the Scottish Communion Office, p. 17.)

The whole matter is becoming intelligible. The Scottish Office prays *expressly* that the Holy Spirit may descend on the bread and wine. This prayer is *not expressed* in either the Roman Missal or the English Liturgy; but, according to Mr. Cheyne, it is *implied*. The one only implies what the other expresses. The Scottish Office, then, goes *beyond*

the Roman Missal. What follows? "The doctrine of *transubstantiation*" (says Mr. Cheyne, p. 16] is *not involved* in the *language* of that Liturgy, [*the Roman Missal*,] which has in some respects been a subject of difficulty to Romanists themselves." That is,—as the prayer for the descent of the Holy Spirit on the elements, in order that they may *become* the body and blood of Christ, is only *implied* in the Mass Book,—it does not necessarily follow that transubstantiation, or any change of the elements, is taught by the Roman form; and, therefore, the Roman form might be used by Protestants, who are under no necessity to believe what is only supposed to be implied. Mr. Cheyne does not pursue this branch of his argument any further. But the corollary is this;—since the Scottish form *expressly* invokes the Holy Spirit on the elements, that they may *become changed* into the body and blood of Christ, and, as the Liturgy of the Reformed Church of England does not, in the estimation of the Protestant members of this Church, contain any such prayer even by *implication*, and as it is only *implied* in the Roman form, therefore the Bishop of Cashel is justified in saying that the Scottish Office differs essentially from the English Liturgy, and is more Roman than Rome itself—that is, it teaches more directly, (not by implication,) more *expressly*, and *more necessarily*, the doctrine of transubstantiation, or a change in the elements of bread and wine, than is taught by the *language* of the Mass Book!

But the Bishop of Oxford lays stress, and so does Mr. Cheyne, upon the fact that the objectionable words in the invocation prayer occur in the Scottish Communion Office *after* the prayer of consecration. His Lordship says:—"If the change took place, as the Roman Catholics held, in the consecration prayer, and in it alone, how could there be put in, at a later period of the service, a supplication that the

Holy Spirit would cause the bread and wine to become the body and blood of our Lord? According to the Roman doctrine, they had become so already, and it would be very folly to supplicate for that to be done which had been substantially done in a former part of the service. The argument, therefore, founded upon this prayer, that this Church was Romish, was utterly untenable."

It is necessary here to remark that the charge brought against the Scottish Episcopal Church is—not that it is Romish, as both the Bishop of Oxford and Mr. Cheyne seem to think—but that it is *ultra* Romish in its *explicit manner of teaching the doctrine of a change* in the consecrated elements. The doctrine of transubstantiation is indeed held by the Church of Rome, according to the articles of its creed; but this doctrine is set forth only by "*implication*" in its Mass Book. "It is simply," says Mr. Cheyne, "a human interpretation put upon the sacred and mysterious words of Christ." The form used in Scotland introduces an *express prayer* that the elements may *become* the body and blood of Christ. The Scottish Episcopal Church, then, has taken more pains in the drawing up of its Liturgy, than the Church of Rome, to inculcate erroneous doctrine. And this is the charge brought against it—a serious charge, and one which the Bishop of Oxford will not be able to refute. It does not signify whether the Scottish Office differs from the Roman Missal either as to the *mode* of its consecrating the elements, or as to the *time* at which the change in the elements is supposed to be effected.

And now for the examination of another point. The Bishop of Oxford says:—"If the change took place, as the Roman Catholics held, in the consecration prayer, and in it alone, how could there be put in, at a later period of the service, a supplication that the Holy Spirit would cause the bread and wine to become the body and blood of our Lord?"

There can be no difficulty in unravelling and answering this objection. The Roman Catholic Church is content with the form that *implies* the descent of the Spirit—at least so Mr. Cheyne explains it; and therefore in the *Missal* the change is *completed* by the repetition of the words of our Lord: but the Scottish Episcopal Church is *not content* with this form, nor is it content with the English form; and, therefore, it does not consider the consecration perfected, or, at least, it prefers the more *perfect exhibition* of the doctrine, which inculcates a *change* in the elements, by introducing an express prayer for the bread and wine to *become* the body and blood of the Saviour. Here is the explanation given by Mr. Cheyne:—"All that the two bishops did in 1764 was to alter the arrangement of the prayer of consecration, and introduce some slight changes of expression which do not in the least affect the doctrine one way or other. The only variation of *importance* is that specified by Skinner, in the passage quoted from his history, "restoring the invocation to its original position, *after the oblation*, instead of standing, *as it had done*, BEFORE THE WORDS OF INSTITUTION, for this is really the only change of arrangement made in 1764; and it is doubtless an *important* one, as practically exhibiting the doctrine of the eucharistic sacrifice in its fulness and distinctness, which the previous arrangement did not consistently represent." (Vindication, p. 31.) The not very difficult question proposed by the Bishop of Oxford is now answered. The Church of Rome holds the doctrine of a eucharistic sacrifice; so does the Scottish Episcopal Church: but this doctrine is not exhibited "in its fulness and distinctness" unless the prayer of invocation comes *after* the prayer of consecration, and therefore the Scotch bishops, in the year 1764, outstripping the Romanists, made the arrangement suitable to their views.

But after all the question is not whether the Scottish Communion Office harmonises with the Mass Book. It is granted that there is *not* harmony between them. The latter is more Protestant than the former. It is *impossible* to use the former without believing in doctrines at variance with the principles of the Reformation. Nor is there harmony, therefore, between the Scottish Office and the English Liturgy. And this is the question really to be considered. "The Episcopal Church in Scotland," says Mr. Skinner, "in full reliance on Scripture and primitive usage, believes that the eucharistical elements receive their validity, their power, virtue, and efficacy, not merely from repeating the words, 'this is my body,' 'this is my blood,' &c., but from the prayers of *oblation*, and of *invocation*, from the forms of *blessing* and *giving thanks*, with which, in strict compliance with the language of all the ancient Liturgies, her Communion Office is so happily furnished." \* The consecration is *not perfected*, then, as in the Church of England, without an oblation and invocation prayer—the elements are *powerless* unless the divine Spirit has changed them into the body and blood of Christ. Hence the following rubrical direction is given in the Scottish Office:—"If the consecrated bread or wine be all spent before all have communicated, the Presbyter is to consecrate more, according to the form before prescribed, beginning at the words, All glory be to thee, &c., and ending with the words, *that they may become the body and blood of thy most dearly beloved Son.*" The importance attached to the invocation prayer, and the distinction between the prayers of *invocation*, *oblation*, and *consecration*, may be further shown. In Bishop Skinner's Catechism occurs the following passage:—

\* The Scotch Communion Office Illustrated, by the Rev. John Skinner, 1807, p. 124.



**Q.** Why does he pronounce the very words of Christ over them ?

**A.** That he may *thereby set apart* and constitute the bread and cup to be the representatives and symbols of the body and blood of Christ.

**Q.** What is *then* done with them ?

**A.** As Christ, under these symbols, offered up his body and blood to God, as a sacrifice to be slain on the cross for our redemption, so here his priest upon earth *offers up* this bread and cup as the appointed memorial of that sacrifice already accomplished.

**Q.** And what follows this *oblation* of the bread and cup ?

**A.** A most humble *invocation* or prayer, that our merciful Father would bless and sanctify *them* with his word and Holy Spirit, that *they* may *become* the body and blood of his dearly beloved Son.

**Q.** When they are *thus* consecrated, according to his appointment, do *they* really and truly become the body and blood of Christ for the purpose he intended ?

**A.** That they really and truly do so, no good Christian will venture to deny, since our Lord himself so expressly says of the bread which he had blessed, 'This is my body,' and of the cup, 'This is my blood.'

Whilst the Church of Rome believes in the efficacy of the *words of institution*, the Scottish Communion Office contains an express invocation, *after the words of institution are repeated*, for the Spirit to effect a change in the elements. The Scottish Episcopal Church, then, differs from the Church of Rome, in respect to the *time* at which the elements are said to be changed ; but it agrees with Rome in asserting that, when the consecration is perfected, a real change of the elements is obtained. Now the point of controversy between members of the Church of England and Scottish Episcopalians is not respecting the *time*

when, or the *mode* whereby, the change is supposed to be consummated, but the controversy hinges on the introduction of a prayer, in the year 1764, for the elements to "BECOME" the body and blood of Christ! . And the Bishop of Oxford gains absolutely nothing—so long as he does not touch the only important and agitated question—by merely directing attention to the difference between the Scottish and Romish forms in the above utterly unimportant particulars.

It is singular that the advocates of the Scottish Office should attach so much weight to the circumstance of the invocation prayer being placed *after* the prayer of consecration. Mr. Cheyne observes:—"In fact, the present English Office makes a nearer approach to the Roman doctrine than the Scottish, for it makes the consecration consist in those mystic words of Christ, upon the recital of which, according to the teaching of the Roman doctors, the transubstantiation is effected. There is really nothing in the mere *wording* of the English Service which absolutely precludes a belief of the Roman tenet; a man holding that doctrine might conform to the ritual so far as that goes, but it would be impossible for him to reconcile his belief with the use of the Scottish Office, because it requires him, *after the change* has taken place in the elements, according to the Roman teaching, to pray for the descent of the Holy Ghost, that they may '*become*,' &c., which no believer in transubstantiation could think of without horror. So that the very form of expression which has been thought essentially Romish is an insuperable barrier to Romanism." (The Vindication, &c., p. 16.)

It is fair to suppose that Mr. Cheyne believes in the force of his own argument. What is it? The Church of Rome consecrates the elements by the repetition of the words of our Lord—transubstantiation occurs in the belief of this church at that particular point; but the Scottish

Communion Office goes *beyond* that point before the consecration, or change of the elements, is completed : therefore the Scottish Episcopal Church differs from the Church of Rome—therefore the Scottish form “ is an insuperable barrier to Romanism ”—not to the *Roman doctrine of transubstantiation*, let it be observed, but to the Roman belief that transubstantiation is effected, *without the invocation prayer, and simply by the use of the words of institution!!* Let Mr. Cheyne’s argument be examined as closely or as loosely as possible, and it will be found that no other result can be obtained from it. “ No believer in transubstantiation,” says he, “ could think ” of the invocation prayer in the Scottish form “ without horror;” that is, (for Mr. Cheyne himself gives the clue to the explanation,) no person who believes in transubstantiation, “ ACCORDING TO THE ROMAN TEACHING ”—that is, *according to the belief that the change is effected in the consecration prayer*, “ could reconcile his belief with the use of the Scottish Office, because it requires him, *after the change has taken place in the elements, according to the Roman teaching*, to pray for the descent of the Holy Ghost, that they may *become, &c.*” But it does not appear from this passage that a Scottish Episcopalian may not receive the doctrine of transubstantiation—provided only the period for the change in the elements is deferred from the consecration to the invocation prayer!

Bishop Torry,\* in his Pastoral Address of 1846, does indeed affirm,—“ No intelligent conscientious believer in that erroneous doctrine [transubstantiation] could communicate with us, in terms of our prayer at the consecration of the sacramental elements.” But his reverence advances no proof whatever in support of the assertion. He only

\* The Scotch bishop at Dunkeld, St. Andrews, and Dunblane.

further adds:—"The English Office was found then (in Elizabeth's reign) to be no obstacle to the adoption of popery; neither is it *now*, as it must with sorrow be confessed. Let me ask, what can be a stronger proof of the comparative safety of the two offices? For who has ever heard of such a lamentable result from the use of the Scotch Office? Not I, certainly." (pp. 14, 15.) Unfortunately, however, as far as this argument is concerned, there have been *two* secessions of clergymen from the *Scottish Episcopal Church* to the *Church of Rome*, since Bishop Torry indited the above passage, that is, since the year 1846, viz., the minister of the chapel at Dumbarton, and the Duke of Buccleuch's chaplain at Dalkeith. The Scotch Office, therefore, is not, as was imagined, a preservative from popery.

To return to the Bishop of Oxford. His Lordship said:—"Nothing appeared to him more unaccountable than that his right reverend friend (the Bishop of Cashel) should maintain that the Episcopal Church of Scotland was to be deemed ultra-Romish, because they continued to use a prayer that was beyond all controversy based on Protestantism." It has been fully shown in what way the Scottish Communion Office is *more* Romish than the Missal:—it is more "*express*," as Mr. Cheyne honestly states, than the Mass Book, in supplicating the descent of the Spirit upon the elements, for, in the Mass Book, as also in the English Liturgy, according to this writer, the prayer for the descent of the Spirit on the elements is only "*implied*." As to the "*Protestantism*," on which the Scottish Communion Office is based, it is sufficient to remind the reader that the Protestantism of 1549 was a very different thing from that of 1552; and that, as the Church of England has adopted the doctrines of the *more advanced period* in the Reformation, whilst the Scottish Episcopal Church has

*retrograded* to the era of a “twilight religion,” and not only so, but, *by altering the service in 1764*, has become more “expressly” Romish than Rome itself, and has receded *beyond* the twilight-protestant era of 1549, inasmuch as it has not been content with the semi-popery of the first book of Edward VI.,—it follows that the unguarded statement of the Bishop of Oxford can leave no favourable or convincing impression on the minds of those churchmen who are admirers of the unequivocal principles of the meridian period of the Reformation.

His Lordship adduces, in support of his opinion, a quotation from a Scottish Episcopal Catechism. This will be examined in Appendix A. a.

And now, apart from all the conflicting arguments, what is *really* the *doctrine* of the Scottish Communion Office? The following passages selected from unquestionable authorities will determine the question.

*Extracts from Mr. Cheyne's Vindication.*

“I may be permitted to refer—and I would do it with all reverence—to the doctrines which the Scottish Office contains and expresses. They are the following:—  
 1. The sacrifice in the eucharist. 2. The real spiritual presence and participation of Christ's body and blood. 3. The commemoration of the faithful departed. These are the great truths which that office was designed to preserve and witness, and it is just because it does so *more fully and consistently than the present English Office*, or the Scottish of 1637, that it is preferred to both.” “It is one thing never to have had these doctrines, or to have them, as the *Church of England* in her existing Liturgy has them, *undeveloped and under reserve*, and it is quite another to have had them in their fulness of expression and development,

as it has been the privilege of our Church to possess them in her eucharistic office." (pp. 8, 9.)

*From Mr. Cheyne's Sermon before the synod in 1844.*

"No doctrines can be conceived more inconsistent than that which inculcates belief in the REAL PRESENCE of Christ in the eucharist, and that which rejects it as Popery, and teaches us that He is no more present there than He is anywhere else where two or three are gathered together for prayer. Or, again, what can be more inconsistent than the doctrine of the sacrifice and the direct denial of it? or the belief of its propitiatory nature, and the unqualified condemnation of it? Yet these 'discordant utterances' are heard on every side; and though one set of these doctrines is plainly and confessedly anti-catholic, it takes refuge under the indefinite and halting testimony of the English Liturgy, and there finds it." (p. 23.) In a *foot-note* to the second edition of this sermon the writer says:—"I cannot admit that the Thirty-nine Articles are our ultimate document of appeal on the eucharist, or on any other doctrine; our appeal is *from* them, if need be, to our Catholic Liturgy, which is anterior to them in point of time, and *superior in point of authority*."

*From Mr. Skinner's Scottish Office Illustrated.*

"As the legal sacrifices prefigured the sacrifice of Christ, so does the eucharist commemorate that sacrifice; but as the legal sacrifices were not less sacrifices, because they were figures of the grand sacrifice, so neither can the *eucharist* be the less a *sacrifice*, because it is a figure and representation of the grand sacrifice." "After the rubric for offering up, and placing the bread and wine, prepared

for the sacrament, upon the Lord's table, the first Liturgy of Edward directed that to the wine there should be put 'a little pure and clean water;' and to this practice, *though no such direction occurs in her Communion Office*, the Episcopal Church in Scotland still adheres." "Whereas the primitive and Catholic doctrine of the Christian Church is this, that the souls of the faithful departed remain in the mansions prepared for them, in Hades, the invisible place, the appointed habitation, and *that* until the day of the general resurrection; but that the happiness to be enjoyed in this state, being imperfect and capable of final improvement, the *eucharistic oblation* is particularly adapted to this salutary purpose; intended, as it is, to produce that mutual communion and fellowship, which through the alone intercession of Christ, our common head, promote the common benefit of the whole body or family of Christians." (pp. 46, 108, 140.)

*From Bishop Skinner's Catechism, editions 1799, 1825.*

*Q.* Why do we call it the Christian *sacrifice*?

*A.* Because we offer up before God the bread and the cup as the appointed symbols of his Son's body and blood, and humbly beseech our heavenly Father that he would be propitious and merciful to us for the merit of that all-sufficient sacrifice, which our Lord offered of himself for the whole world?

*Q.* When did our Lord offer this great propitiatory sacrifice?

*A.* The same night in which he was betrayed, when, taking the bread and the cup he had been using at the Passover, he said of the one, "This is my body which is given, or *offered*, for you," and of the other, "This is my blood which is shed for you;" which sacrifice of himself, *offered up*

*by him in this mystical manner was very soon after slain on the cross.*

**Q.** And what did he command his apostles concerning this sacrifice?

**A.** He commanded his apostles and their successors, as the priests of the Christian Church, to do this in remembrance of him; that is, to do what he had done, *to offer up this bread and this cup* in commemoration of him.

*From Bishop Jolly's Catechism, 1829.*

**Q.** Did he not offer the sacrifice of himself upon the cross?

**A.** No; it was *slain* upon the cross, but it was *offered* at the institution of the eucharist.

**Q.** How do we know that?

**A.** Because he expressly says that his body was then given or offered to God for the world. (Luke xxii. 19.)

**Q.** How was the great sacrifice of Christ represented before it was performed?

**A.** By all the sacrifices of the Old Law.

**Q.** And how is it represented since?

**A.** By the eucharist, which is a sacrifice of thanksgiving.

**Q.** What is the nature and design of the eucharistic sacrifice, when it is celebrated according to Christ's institution?

**A.** It is a solemn memorial or representation of Christ's great sacrifice, offered to God the Father, *in order to procure us the virtue of it.*

**Q.** Who can consecrate the eucharist?

**A.** None but a bishop or priest.



**Q.** What does he do afterwards?

**A.** He repeats our Saviour's powerful words: "This is my body, this is my blood," over the bread and cup.

**Q.** What is the effect of these words?

**A.** By them the bread and cup are made authoritative representations or symbols of Christ's crucified body, and of his blood that was shed.

**Q.** What is the consequence of that privilege?

**A.** *They are in a capacity of being offered to God as the great Christian sacrifice.*

**Q.** Is this done?

**A.** Yes; the priest, immediately after, makes a solemn oblation of them.

**Q.** What is this oblation?

**A.** The highest and most proper act of Christian worship.

**Q.** Does God accept of this sacrifice?

**A.** Yes: and returns it to us again to feast upon.

**Q.** Why?

**A.** That we may thereby partake of all the benefits of our Saviour's death and passion.

**Q.** But how do the *bread and cup* become capable of conferring such benefits?

**A.** By the priest praying to God the Father to send the Holy Spirit upon *them*.

**Q.** What is the effect of this prayer?

**A.** *The bread and cup are thereby made the spiritual life-giving body and blood of Christ in power and virtue.*

**Q.** Why do you call the bread and cup the spiritual body and blood of Christ?

**A.** Because the Holy Spirit makes *them* to be so to all spiritual intents and purposes.

**Q.** What does the priest do afterwards?

A. He continues his prayer and oblation in behalf of the whole Church, and of all the members of it.

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Q. Does the communion of saints extend to the other world?

A. Yes, The Church upon earth and the Church in paradise communicate together by *mutually praying for each other*.

Q. Need we apply to the saints in paradise for *their* prayers?

A. No; they *know* our dangerous condition here, and *their charity wants not to be desired to recommend us to God*.

Q. Why do we pray for them?

A. Because their present condition is imperfect, and because *they* are to be judged at the last day, and will stand in need of mercy.

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*From Bishop Jolly's Christian Sacrifice in the Eucharist.*  
1831.

"Too many denied that there was any *material sacrifice* whatever instituted by Christ and left to the Church. . . While we avoid the astonishing error of transubstantiation, to refute which all arguments rise up, we must not, as too many have done, run into the opposite extreme, and imagine that the eucharistic bread and cup differ in nothing from common bread and wine, but by barely signifying, or *being symbols or tokens of*, the body and blood of Christ."

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*From Bishop Rattray's Instructions concerning the Christian Covenant.*

“ Then as Christ offered up his body and blood to God the Father, under the symbols of bread and wine, as a sacrifice to be slain on the cross for our redemption ; so here *the priest offereth up this bread* as the symbols of this sacrifice of his body and blood, thus once offered up by him ; and *thereby* commemorateth it before God with thanksgiving ; after which he prays that God would favourably accept this commemorative sacrifice *by sending down upon it* his Holy Spirit, that by his descent upon *them* he may make this bread and this cup (already so far consecrated, as to be the symbols or antitypes of the body and blood of Christ, and offered up as such) to be verily and indeed his body and blood ; the same Divine Spirit by which the body of Christ was formed in the womb of the blessed Virgin, and which is still united to it in heaven, *descending on, AND BEING UNITED TO THESE ELEMENTS, and invigorating THEM with the virtue, power, and efficacy thereof, and making them one with it.*” “ Then the priest maketh intercession, *in virtue of this sacrifice thus offered up in commemoration of, and union with, the one great personal sacrifice of Christ,—* for the whole Catholic Church, and pleadeth the merits of this one sacrifice in behalf of all estates and conditions of men in it, offering the memorial thereof, not for the *living* only, but for the *dead* also, in commemoration of the patriarchs, prophets, apostles, martyrs, and of all the saints who have pleased God in their several generations, from the beginning of the world ; and for *rest, light, and peace, and a blessed resurrection, and a merciful trial* in the day of the Lord to all the *faithful departed.*” (pp. 23, 24.)

*From the Layman's Account of his Faith and Practice.*

"In the sacrament of the Eucharist both they [the Roman Catholics] and we, believe a *commemorative sacrifice*; but a propitiatory sacrifice, *as they believe it*, we utterly disclaim; a *real presence* both allow, but a *corporeal* presence, or what they call transubstantiation, we justly reject." (Edition, 1813, p. 20.)

"It is evident that this peculiar and most beneficial act of our Christian worship, is to be celebrated as a *sacrificial* commemoration of the death of Christ, or of that *one* full, perfect, and sufficient sacrifice, oblation, and satisfaction which he *once* offered of his body given, and his blood shed, for the sins of the whole world." (p. 42.)

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*From "The Christian Sacrifice in the Eucharist," by a Lay Member of the Scottish Episcopal Church. 1844.*

"1. That the material of the eucharist is bread and wine mixed with water.

2. That the eucharist is a material sacrifice.

3. That the bread and wine *become* the body and blood of Christ *through the operation* of the Holy Ghost.

4. That the eucharist is a *sin-offering*, as well as a thank-offering, and that the benefits thereof are applied, *not to the living only*, but also to the *faithful departed*."

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*From a letter dated Nov. 5, 1807, to Bishop Watson, of Dunkeld, from the late Bishop Abernethy Drummond, of Edinburgh.*

“ I pray you to beg the clergy to give me the benefit of their prayers for the use of them ; [the loan of certain books ;] and bid them also put me in their distych when I am gone (I trust) to a better world.”

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*From Bishop Jolly's Catechism. 1829.*

**Q.** Whom does the Christian High Priest represent ?

**A.** He represents Jesus Christ, the invisible Bishop and Head of the whole Church.

**Q.** Ought not then every Christian to be subject to his bishop ?

**A.** Yes, as the visible head or high priest in his own diocese.

**Q.** To whom did he communicate the power of forgiving sins ?

**A.** To his apostles and successors.

**Q.** By what means do they forgive or retain sins ?

**A.** By admitting to, or excluding from, the sacrament of baptism and the Holy Eucharist.

**Q.** Does baptism cleanse us from all the actual sins we have committed before it ?

**A.** Yes, as well as from our original sin.

**Q.** And how do we obtain the pardon of sins committed after baptism ?

**A.** By the sacrament of the eucharist.

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It will be unnecessary to pursue these quotations any further. These several writers explicitly deny that they hold the Roman Catholic doctrine of transubstantiation. We are bound to believe their word. In Bishop Skinner's Catechism occurs this passage: "Are we to infer from this that they are made the very natural body and blood of Christ, which suffered on the cross? *A.* No; the natural body and blood of Christ are certainly in heaven. *Q.* What then do we believe concerning the consecrated bread and cup in the eucharist? *A.* We believe that they are not the natural, but the mystical body and blood of the Redeemer." The charge, however, against the Scottish Episcopalians is—not that they hold the *Roman Catholic* doctrine of transubstantiation, but that their Communion Office teaches something very analogous to the worst tenets of the Church of Rome. The anti-Protestant doctrines fully developed in the Scottish Office appear to be the following:—

1. Water is mixed with the wine.
2. The bread and wine are "*lifted up*"—contrary to the express rubrical direction of even the *first* Liturgy of Edward VI.; and they are "*offered*," as Christ offered himself to God.
3. The Holy Spirit is said to descend, and to *operate* upon, *and to become united with*, the bread and wine; and these elements are then supposed to undergo a change—not simply a change in the *purpose* for which they are to be used, but a change *from* bread and wine *into* the body and blood; an *inexplicable* and *mysterious* change wrought by the Spirit acting on *them*; so that, instead of being any longer bread and wine, they have "*become*" the body and blood of Christ—not the *natural*, but the *spiritual* body and blood; not that the bread and wine, after consecration, are received merely in a *spiritual* sense, according to a *spiritual*

*manner*, but that the material elements have *themselves* become the spiritual body and blood of Christ. Here is the doctrine of transubstantiation—not the Roman Catholic transubstantiation—not a change of the elements into the substance of the *natural* body and blood, but yet a change in the substance—a real, supernatural change of the bread and wine into the very *spiritual* body and blood of Christ. “For this *wondrous supernatural change* of the qualities\* of the elements, the Church always prayed, as the consummating or highest degree of their consecration, the priest solemnly invoking or calling upon God to send down his Holy Spirit upon *them*.” †

4. The consecrated elements are truly, as the body and blood of Christ, sacrificed. There is a *material sacrifice* in the eucharist—a commemorative sacrifice; not merely a sacrifice of praise—a *spiritual* sacrifice; but a true sacrifice of the *spiritual body and blood* of Christ.

5. This commemorative sacrifice is so far *propitiatory*, that, although an “unbloody sacrifice,” it procures the pardon of sin to those who worthily partake of it.

6. The virtue of this commemorative sacrifice is communicated to the departed saints. Hence the Scottish Office rejects the words, “*militant here in earth*,” from the sentence preceding the prayer for the whole state of Christ’s Church; because the introduction of these words would prevent the supplicants from including the dead; and hence also this prayer is not offered by the Scottish Episcopal Church until after the elements are fully consecrated, so that the dead, as well as the living, may benefit by the sacrament. The Bishop of London, in 1843, expressed himself as follows:—“The prayer for the church militant embodies a virtual protest against one of the erroneous practices of

\* See Appendix A. a.

† Bishop Jolly’s Christian Sacrifice in the Eucharist.

the Church of Rome, inasmuch as the old form of praying for the dead, retained in the first Liturgy of Edward VI., was omitted in the second; and the words, *militant here in earth*, were added to the prefix, (as Dr. Cardwell well observes,) to show that the Church not only did not practise intercession for the dead, but even carefully excluded it." \*

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It is no wonder, then, that Protestant English churchmen, who really value the principles of the Reformation, should refuse to acknowledge the authority of the Scottish Episcopal Church; and it is strange that the Bishop of Oxford should have hazarded a defence of the *Protestant* character of the Scottish Communion Office. It is impossible to feel surprise, however, that the most energetic efforts should be made in Scotland, aided by the whole body of Tractarians throughout the kingdom, to secure the preservation of the Scottish Office from injury or obscurity. "I tremble," says the aged Bishop Torry, "for the stability of our humble Zion, *if ever the day shall arrive* when the claims of the Scotch Communion Office to *primary authority* and GENERAL USE shall not be manfully upheld. Such indifference might provoke our divine Head and heavenly Master to remove our candlestick out of its place." †

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## X.

The Bishop of Oxford observes :—" There was a passage in Mr. Drummond's own pamphlet which disclosed a fact of

\* See the Ecclesiastical Gazette, Dec. 1843.

† Pastoral Address, 1846.



no trifling importance, and which was set forth in these words—‘ I wish likewise expressly to state that the Scotch Communion Office was not the cause of my leaving the Scotch Episcopal Church. That I have distinctly made known in my Reasons.’” The only inference to be drawn from this quotation is, that Mr. Drummond did *not object* to the Scottish Liturgy. This certainly must have been the impression left on the minds of those who listened to the Bishop of Oxford’s speech. No explanation will be necessary, after the reader has perused the *entire* passage, as distinguished from the above mutilated one, and as it stands in Mr. Drummond’s pamphlet. It is as follows :—

“ I wish likewise expressly to state, that this was not *the cause* of my leaving the Scottish Episcopal Church. *That* I have distinctly made known in my ‘ Reasons for Withdrawing,’ &c. But having once withdrawn, the acquaintance which I have made with the Scottish Office satisfied me of two things :—

“ 1. That I had not given more importance than was necessary to *the cause* of my withdrawal from a Church, which could with one hand enact a law against prayer-meetings, and with the other draw forth, *from comparative concealment*,  
A GENUINE RELIC OF SUPERSTITION.

“ 2. That I was thereby confirmed in my resolution, under the encouraging circumstances in which I found myself placed, to remain in Edinburgh, and ‘ suspending my communion’ with the Scottish Episcopal Church, never to return to it *until* the Christian privileges of my congregation and my own are secured to us, AND THE VITAL CORRUPTIONS, EXISTING IN HER COMMUNION OFFICE, ARE EXPUNGED.”

It must now be stated that, in consequence of this most unfair and disingenuous quotation, whereby the sentiments of Mr. Drummond were misrepresented in the House of

Peers, and, by means of the newspapers, throughout the country, the Bishop of Oxford was written to, and requested to explain the matter. His Lordship replied :—" The statement to which you refer was read by me in the House from the Rev. R. Montgomery's pamphlet, page, I think, 71. I knew nothing of that matter before." The Bishop of Oxford is therefore fully exonerated from any intention of misrepresenting Mr. Drummond, and it is only to be regretted that his Lordship did not take more pains to make himself acquainted with the real principles and opinions of the parties whose cause he was so ready to oppose.

Mr. Robert Montgomery, the minister of a proprietary chapel in London, has been so severely handled by Mr. Stephen, in his *History of the Church in Scotland*, vol. iv. p. 610, *for having interfered in Scottish Episcopal matters*, that his more recent error of misquoting Mr. Drummond will be passed over without any further animadversion. Mr. Stephen, it will be remembered, is a strenuous upholder of the Scottish Episcopalians, and a bitter antagonist of the Church of England in Scotland. (See Appendix Q., p. 190.)

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## Y.

Ministers of the United Church of England and Ireland occupy in Scotland a position somewhat analogous to that of the consular or other British chaplains in foreign countries. These chaplains (as well as our home garrison and dockyard chaplains, &c. &c.) are subject, by law, to no Episcopal authority whatever. No bishop can exercise the slightest jurisdiction over them. The consular chaplains are

*nominated* by the congregations, and the *appointment* is made by her Majesty's Secretary for Foreign Affairs. The several congregations, at those places on the continent, where there is no British consul, or where the British government does not contribute towards the salary of the chaplain, have the appointment entirely in their own hands. In neither of these cases is a license required from a bishop, nor has any bishop the power to prevent an English clergyman from accepting a consular or other foreign chaplaincy. The Bishop of London has emphatically denied that he has any authority in such cases.\* The recent case at Madeira is sufficient proof on this point. Since, however, the Bishop of London has, without waiting for legitimate authority, taken, wherever it has been acceded to, a kind of Episcopal oversight of foreign chaplains, for the sake of assuring parties abroad of the respectability of their clergymen, the Earl of Harrowby has justly remarked that there can be no insuperable difficulty in the way of an English prelate giving a license to, or otherwise directly protecting, clergymen of the Church of England in Scotland. It is confidently predicted that, in due course of time, a bishop of their own Church will be provided for English churchmen residing northward of the Tweed, as the notion that the Church of England can be arrested by a *river* from watching over her *own members*—when she fearlessly sends her bishop over the distant waters into the patriarchal city of Jerusalem—is too weak to exercise any influence at this time of day.

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\* See the debate in the House of Lords on Consular Chaplains, June 15, 1849.

## Z.

Lord Powis, on being requested to revise his speech, not only declined, but also stated that the speech, as sent to him, was incorrect. There can be no surprise that Lord Powis should disavow the words attributed to him, since they convey sentiments which are contrary to fact, and accuse a large body of men of being influenced by unworthy motives. Most willingly would a revised report have been printed, instead of the present one, if Lord Powis had afforded the opportunity. However, it is now necessary to state, that the speech, as here printed, was taken down by a regular parliamentary reporter in the service of the Morning Chronicle. This reporter declares that the speech is accurately given. And, as respects the most objectionable, part of it, both the Earl of Galloway and Lord Brougham, in their respective replies, allude to the imputation of unworthy motives charged by Lord Powis against the petitioners.

In complete refutation of the statements here published as the reported statements of Lord Powis, it is sufficient to reiterate the fact that the petition, presented on this occasion by Lord Brougham, was signed by nearly SIX HUNDRED MEN, including some of the wealthiest and the most honourable among the members of the Church of England in Scotland—landed proprietors, professional men, and merchants. Not one of the English *clergy* signed it, because it was exclusively a *lay* petition. So far were the petitioners from being influenced by the unworthy desire imputed, or said to be imputed, to them, by Lord Powis, of prejudicing the appeal of Bishop Skinner, that the petition was actually drawn up *several months* before the Court of Session in Edinburgh

had given judgment in favour of the Rev. Sir William Dunbar, and, therefore, long before it was known that Bishop Skinner would have any occasion to appeal to the House of Lords. And, as to the attack made, or reported to have been made, by his Lordship, upon Sir William Dunbar, it will suffice to say that not only did the reverend baronet abstain from giving any support to the petition, not only therefore is the petition utterly unconnected with the action for libel impending in the Court of Session and with the appeal case in the House of Lords, but Sir William Dunbar has been throughout *opposed* to the object of the petitioners—not opposed to their determination to keep separate from the Scottish Episcopal Church, but opposed to their wish and to their efforts to procure the superintendence of a bishop of the Church of England.

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A. a.

In Appendix W. will be found an examination of some of the arguments advanced by the Bishop of Oxford. Another of this right reverend prelate's arguments is handled by Lord Brougham in his reply. The bishop had said:—"He would just quote this question and answer from the Catechism of the Church in Scotland:—"Are the bread and wine not changed (by consecration)? Yes, in their qualities, but not in their substance." Now it was well known that the Roman Catholics held that the change took place in the substance, and not in the quality; yet, because the Church in Scotland held doctrines diametrically opposite to

the Church of Rome, they were said to be ultra-Romish.” \* Lord Brougham’s pithy answer is as follows:—“ My Lords, you may prove anything by catechisms. The catechism quoted by my right reverend friend is not a document authorised by any Synod, or by any assembly even of this Scotch Church,—mere sect of dissenters. It is the private catechism of one bishop, and every bishop may have his own, which may differ from that of every other. I myself have seen, since my right reverend friend addressed you, another catechism of nearly the same date, in which anything rather than Protestantism is laid down, and which certainly does tend very considerably towards Romanism—I should say even towards superstition.”

Lord Brougham makes two allusions in the above passage, first, to the fact that Scottish Episcopalians have a *variety* of catechisms not recognised by a particular synodical sanction, and, second, to a particular and objectionable custom in the administration of the elements.

1. The Scottish Episcopal Church gives, without inquiring into its merits or orthodoxy, a direct sanction to *any* catechism that any of the bishops may approve. After enjoining instruction in the *Church of England* Catechism, Canon xviii. says:—“ but no further catechism shall be used in the further instruction of the young, but such as is approved and sanctioned by the bishop of the diocese.” And, accordingly, there are *many* different catechisms in

\* This passage, as given more correctly by the *Morning Chronicle* reporter, and as *revised* by his Lordship, appears thus:—“ Now, if he turned from the historical argument to one more savouring of doctrine, he found in a catechism, which was quoted as in good esteem in the Church of Scotland, this question and answer:—‘ Q. Are the bread and wine indeed changed by consecration? A. Yes, in their quality, but not in their substance.’ Now what would have been the answer of a Roman Catholic divine to the same question? It would have been, ‘ Yes, in their substance, but not in their quality.’ A diametrically opposite answer; an answer as opposite as was possible to express in language.”

use, and not one of these can claim any sanction beyond that of an individual bishop.

2. The objectionable and anti-Protestant custom to which Lord Brougham refers is the following:—" We have the unanimous testimony of antiquity in favour of the communicants receiving the consecrated elements into their hands. The practice *most generally adopted* in the Episcopal Church in Scotland is that which Cyril directs, in his fifth Mystagogic Catechesis, viz. that the communicant shall receive the bread in the hollow part of his right hand, supported by the left; which others have called receiving the elements in the hands previously disposed in the form of a cross."\* The directions which Cyril gives are:—" When you approach, come not with the palms of your hands opened, nor with the fingers separated; but put the left below the right, as a sort of throne for it, while it is to receive the King, and in the hollow of the hand receive the body of Christ, saying—Amen. Having then carefully hallowed thine eyes by the touch of so holy a body, partake."

But the Bishop of Oxford quoted a catechism. There are so very many catechisms, varying considerably in their doctrine, and yet all sanctioned by one or other of the seven Scotch bishops, that it is impossible to say what is the date or who is the author of the catechism quoted by his Lordship. A great number of catechisms of various dates have been examined, and the words, as cited by the Bishop of Oxford, do not appear in any of them. Bishop Innes, of Brechin, published a catechism which contains the following passage:—

*Q.* What institution hath Christ appointed for the preserving and nourishing in us this divine principle or spiritual life communicated to us in baptism and confirmation?

*A.* The christian sacrifice of the holy eucharist.

\* "Scottish Communion Office Illustrated," by the Rev. John Skinner, of Forfar, 1807, page 153.

**Q.** Did he not offer the sacrifice of himself upon the cross?

**A.** No. It was slain upon the cross; but it was *offered* at the institution of the eucharist.

**Q.** What is the nature and design of the eucharistic sacrifice when it is offered according to Christ's institution?

**A.** It is a solemn memorial or representation of Christ's great sacrifice offered to God the Father, in order to procure for us the virtue of it.

**Q.** What is the consequence of that privilege [viz. the effect of the priest repeating our Saviour's powerful words]?

**A.** That they (the bread and cup) are in a capacity to be *offered up* to God as the GREAT CHRISTIAN SACRIFICE.

**Q.** Is this done?

**A.** Yes. The priest immediately after makes a solemn oblation of them.

**Q.** What is this oblation?

**A.** The highest and most perfect act of christian worship.

**Q.** Does God accept of this sacrifice?

**A.** Yes, and returns it to us again to feast upon.

**Q.** How do the bread and cup become capable of conferring all the benefits of our Saviour's death and passion?

**A.** By the priest praying to God the Father to send his Holy Spirit upon *them*.

**Q.** Are they not changed?

**A.** YES, IN THEIR QUALITIES.

**Q.** What is the first qualification necessary for our receiving the holy eucharist?

**A.** A valid baptism, including confirmation.

**Q.** What is the last thing necessary to fit us for the holy Communion?

**A.** That we have kept our baptism undefiled, or else have cleansed ourselves by sincere repentance. \*

\* Editions, 1821, 1826, 1829, 1841.



It will be noticed that there is a difference between the passage quoted by the Bishop of Oxford and the corresponding one as it stands above. The words, "*but not in their substance,*" upon which his Lordship built an argument, cannot be found in any of the editions that have been searched. However, in a pamphlet written by a Scottish Episcopal minister in Aberdeenshire, in 1847, it is said :— "It is falsely insinuated that Bishop Innes's Catechism teaches transubstantiation. The truth of this charge is substantiated by putting a period for a comma, and by suppressing the words, 'but not in their substance.' 'Are the bread and wine not changed [by consecration]? Yes, in their qualities, *but not in their substance.*'" Here, then, is the very passage, word for word, as brought forward by the Bishop of Oxford. It occurs in a pamphlet of 1847. But in *what edition* of the *Catechism* is it to be found? If an *improved* edition has *lately* appeared, it must not be called the catechism of Bishop Innes, who has been dead many years. Now, whether the Bishop of Oxford has laid his hands suddenly upon Mr. Christie's pamphlet, p. 32, (as was the case with Mr. Montgomery's pamphlet,) or whether there is a modern and *revised* edition of Innes's Catechism, from which his Lordship quoted, it is not possible to determine. Every exertion has been made to verify the passage as quoted by his Lordship, but hitherto without success.

But, supposing that the Scottish Episcopal Church maintains a change of the elements, *not in their substance*, but in their qualities, by what process of reasoning does it follow that the doctrine taught is "diametrically opposite," as the Bishop of Oxford concludes, to that of the Church of Rome? The *mere words* of the respective quotations, *as arranged by his Lordship*, are certainly as opposite as they can well be; but there is nothing whatever in the passages, even as thus prepared, to show a *diametrical* opposition of

*doctrine.* A *difference* in doctrine is shown ; and this is *all* that can be maintained. The character of this difference is fully exhibited in Appendix W. It is this:—The Church of Rome believes in a change of the elements into the *natural* body and blood ; whereas the Scottish Episcopal Church teaches that the change is into the *spiritual* body and blood, and leaves her disciples to comprehend, as best they may, in what manner the *material* elements of bread and wine can be actually *changed into a spiritual body* and into *spiritual blood*. A *real change* is maintained by both churches. The Scottish Communion Office prays that the Holy Spirit may act upon the *bread and wine*, so as to *convert them*, really and truly, into the *very body and blood* of Christ.\* It is believed, beyond controversy, and yet with respectful deference to the Bishop of Oxford, that the doctrine, as thus held in Scotland, is not so different from the Roman Catholic transubstantiation as it is essentially and diametrically opposed to the Articles and Liturgy of the Reformed Church of England.

It is foreign to the purport of this publication to enter into any subtle distinctions as implied by the words, “ qualities ” and “ substance.” This part, therefore, of the Bishop of Oxford’s argument will be dismissed by introducing to the notice of the reader the subjoined unanswerable extract from the *Tablet*, a Roman Catholic journal.

“ THE BISHOP OF OXFORD ON CATHOLIC DOCTRINE.”

“ In a debate on the question of the ‘ Scottish Episcopal

\* The words of Bishop Rattray, already quoted, are :—“ The same Divine Spirit, by which the body of Christ was formed in the womb of the blessed Virgin, and which is still united to it in heaven, *descending on, and being united to*, these elements, invigorates them with the virtue, power, and efficacy thereof and *makes them one* with it.” Is not this a change in *substance* ?

Church,' which took place on Tuesday last in the House of Lords, the Bishop of Oxford was the expositor of Catholic doctrine to that dignified assembly. His Lordship spoke as follows. Alluding to a charge of "Romanism" preferred against the Episcopal communion in Scotland, he is made to say:—"What is the answer which their catechism gives to the question, 'Are the bread and wine indeed changed by consecration?' The answer is, 'Yes; in their quality, not in their substance.' Now, what was the answer given in the Roman Catechism to the same question? 'Yes; in their substance, but not in their quality.' The Roman Catholic would state, 'The quality remains unaltered, but the substance is changed.'"

Now, we do not pause to ask in what "Roman Catechism" the bishop discovered this particular reply to the supposed question: we confine ourselves to the general drift of his argument; which, if it comes to anything, comes to this, that where the Scotch Communion declares the elements changed, there the Catholic Church declares them unchanged, and *vice versa*. We humbly submit, then, to the bishop the following alternative. If by "quality," in the definition of our doctrine, his Lordship mean "accidents," then, as far as we are concerned, he is right enough. But what then becomes of the Scotch definition if the word "quality" be there used in the same sense?—and except it be used in the same sense, the argument has no force at all. Does the bishop mean that the Scotch communion affirms a change in the "accidents" of bread and wine? Truly then would that communion entitle itself to the charge of being "ultra-Romish;" and, moreover, would affirm what in the judgment of the Catholic Church is plain heresy. If, on the other hand, the Scotch Catechism mean, as is pretty evident, by "quality," the same with "virtue," "capability," "efficacy," or the like, we ask the Bishop of

Oxford whether he supposes that in this sense of the word 'quality,' the Catholic Church understands that consecration effects *no* change in the species on which it acts?" — *Tablet*.

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### B. b.

The canons, to which Lord Brougham refers, and by which English clergymen are bound, prohibit, without any exceptions, the use of any liturgical office but the offices of the Church of England.

Canon xxxvi. contains three articles which are especially selected, and which English clergymen take an oath to obey. Article II. is as follows:—"That the Book of Common Prayer, and of Ordering of Bishops, Priests, and Deacons, containeth in it nothing contrary to the word of God, and that it may lawfully so be used; and that he himself will use the form in the said book prescribed, in public prayer, and *administration of the sacraments*, and NONE OTHER."

The same canon gives the form of subscription. It is this: "*I, N. N., do willingly and ex animo subscribe to these three articles above mentioned, and to all things that are contained in them.*" The canon then adds:—"And if any bishop shall ordain, admit, or license any, as is aforesaid, except he first have subscribed in manner and form as here we have appointed, he shall be suspended from giving of orders, and licenses to preach for the space of twelve months," &c.

Canon xxxvii. "None licensed, as is aforesaid, to preach, read, lecture, or catechize, or minister the sacraments, or to execute any other ecclesiastical function, by what authority soever he be thereunto admitted, unless he first consent and

subscribe to the three articles before mentioned, in the presence of the bishop of the diocese, wherein he is to preach, read, lecture, catechize, or administer the sacraments, as aforesaid."

Canon xxxviii. "If any minister, after he hath once subscribed to the said three articles, shall omit to use the form of prayer, or any of the orders of ceremonies, prescribed in the Communion Book, let him be suspended," &c. &c.

CHURCH OF ENGLAND CHAPELS IN SCOTLAND.

PLACE.	PATRON.	INCUMBENT.	JUNIOR INCUMBENT OR ASSISTANT MINISTER.
Aberdeen, St. Paul's.	Certain members of the congregation.	Sir William Dunbar, Bart., S.C.L., Oxon.	Samuel Walker, M.A., Trin. Coll. Dublin.
Dunoon, Argyllshire.	W. F. Burnley, Esq.	Clergymen beneficed in England or Ireland take the duties at this chapel for the seasons of summer and autumn.	
Edinburgh, St. Thomas's.	The Vestry.	D. T. K. Drummond, B.A., Oxon.	W. Wade, B. A., Trin. Coll., Dublin.
Fochabers.	The Duchess of Gordon.	Vacant	
Galloway House, Chapel, Wigtonshire.	The Earl of Galloway.	John Nunn, M.A., Cantab. Domestic Chaplain to the Earl of Galloway.	
Gask, Perthshire.	Mrs. Oliphant.	Vacant.	
Glasgow, St. Jude's.	The Trustees.	Chas. Popham Miles, B.A., Cantab.	Vacant.
Huntly, Aberdeen-shire.	The Duchess of Gordon.	Vacant.	
Montrose, St. Peter's.	Certain members of the congregation.	R. Wade, B. A., Trin. Coll. Dublin.	
Nairn, St. Ninian's.	The Trustees.	Vacant.	

TO THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND  
TEMPORAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED : —

*THE HUMBLE PETITION*

OF THE SEVERAL PERSONS WHOSE NAMES ARE HEREUNTO  
SUBSCRIBED, BEING MEMBERS OF THE UNITED CHURCH  
OF ENGLAND AND IRELAND RESIDENT IN SCOTLAND ;

*Sheweth,*

THAT there have been in Scotland at all times since the union of the two kingdoms, congregations of the Church of England, under Ministers ordained in that Church, and adhering to her Articles, and using her Liturgy exclusively.

That these congregations were formed under the sanction of an inviolable right on their part, to adhere to the ordinances and services of their own communion. Bishops of the United Church of England and Ireland fully recognised this right, and on various occasions exercised Episcopal functions in the English Chapels, or in connexion with English Episcopalians in Scotland, and the Legislature passed several Acts, especially the Act of the 10th of Queen Anne, whereby members of the Church of England resident in Scotland should be protected in the enjoyment of their spiritual privileges.

That this Act of Queen Anne is entitled “ An Act to prevent the disturbing those of the Episcopalian Communion in that part of Great Britain called Scotland, in the exercise of their religious worship, and in the use of the Liturgy of the Church of England.” The Act itself contains the following

English Congregations in Scotland.

Right to form such Congre-

These Congregations protected by 10th of Queen Anne.

clause : " It shall be free and lawful for all those of the Episcopal Communion in that part of Great Britain called Scotland to meet and assemble for the exercise of Divine worship, to be performed after their own manner, by Pastors ordained by a Protestant Bishop." The Legislature thereby provided for the undisturbed worship of those congregations whose Ministers received ordination from Protestant Bishops, and who, performing Divine service " after their own manner," confined themselves to the exclusive use of the English Liturgy. Nor has the above Act been repealed. It is cited as being still in force by her Majesty's Privy Council, whenever an order in Council is issued to Episcopalians in Scotland.

These Congregations promoted by the Act 1746-8, and encouraged by Bishops.

By a subsequent Act in 1746-8, it was enacted, that " No letters of orders of any pastor or minister of any Episcopal meeting or congregation in Scotland should be deemed sufficient, or be admitted to be registered, but such as have been given by some Bishop of *the Church of England or Ireland*." The English chapels already protected by the 10th of Queen Anne, and especially allowed by this Act of 1748, continued to increase in number under the pastoral care of duly qualified Clergymen from England and Ireland, who from time to time received countenance and support from English and Irish Bishops. Thus, the Bishop of Durham, in a letter dated 26th December, 1738, and addressed to the managers of one of the English Episcopal congregations in Scotland, consents to an incumbent in his diocese remaining in Scotland " for the keeping of your congregation together, and the support of the Church of England in your parts." \* The Bishop of London in a letter to the same parties, 17th July, 1739, undertakes to look out for a fit successor to their Minister ; and in a letter dated 22nd September, 1741, he recommends a Mr. Gordon as their Clergyman, and " commends them and their congregation to the blessing of God." †

Even as late as 1792, the Bishop of London gave an incumbent of his diocese a dispensation of non-residence for a whole

\* Original Letters, St. Paul's Church, Aberdeen.

† Ib.

year, that he might officiate at an English Episcopal Chapel in Scotland.\*

There are also instances on record of Bishops of the Church of England and Ireland ordaining Clergymen in Scotland, and confirming the children of the congregations.†

Your Petitioners doubt not that the annals of these Chapels, if thoroughly examined, would afford many other examples of their recognition by the Church of England.

That your Petitioners are Landed Proprietors, Professional Men, Merchants, and other Residents in Scotland, of whom many are natives of England or Ireland, baptized and educated in the United Church of those countries, and, being members of that Church, are, as such, entitled to the privileges and protection afforded to members of the Church of England in other parts of the world, and especially guaranteed by the Act of Queen Anne to English Episcopalians in Scotland. Petitioners described.

That your Petitioners adhere solely to the Articles of the Church of England, approve of its discipline, and use *exclusively* its Liturgy. Their Ministers are, without exception, duly ordained Clergymen of the United Church of England and Ireland, and, as such, are admitted to the pulpits of their own Church in England and Ireland, while Incumbents in that Church also officiate from time to time for them in Scotland. Deputations of Clergymen from several of the leading religious societies, which are exclusively connected with the Church of England, and are under the patronage of Bishops of that Church, visit annually the congregations of your Petitioners. Petitioners adhere solely to the Church of England.

That there exists in Scotland a Communion styled the "Scottish Episcopal Church," which, until the end of last century, was a non-juring Church; and from the year 1746 to 1792, was, in consequence of the part taken by it in political Scottish Episcopal Church depressed by Act of Parliament, and seeking relief.

\* Original Letters, St. Paul's Church, Aberdeen.

† Ordinations were performed in Peterhead and Arbroath, by the Bishop of Down and Connor, in 1770. The Bishop of Bristol ordained a Clergyman for Banff in 1769. And the Archbishop of Canterbury ordained another for Cruden in 1770.—Skinner's Annals of Scottish Episcopacy, pp. 173, 243. Confirmations also repeatedly took place.



affairs, depressed by Acts of the British Parliament, and the Ministers ordained by Scottish Bishops were prohibited from publicly exercising their spiritual functions. Towards the close of the last century, and after the death of the Pretender, the Scottish Episcopal Church endeavoured to obtain toleration. This body did then repeatedly declare, that in seeking liberty of conscience for itself, it was far from desiring to interfere with the worship of other Protestant Episcopalians in Scotland. The language which it employed was calculated to influence the British Parliament in its favour, and to prevent opposition from all parties. "It is hoped that the Legislature"—such was the language used—"will remove every odious mark of distinction, by putting all the Protestant Episcopal Dissenters from the Scottish Establishment, in the article of toleration, on an equal footing. \* \* \* \* All they (the Scottish Bishops) presume to request is the protection and indulgence granted to those of the Episcopal Communion by the Act of Queen Anne, and which, since the 19th of George II., have been restricted to the Communion of those Pastors who have their orders from an English or an Irish Bishop." \* "Nothing more," writes Bishop Skinner, in 1793, "is intended than to unite the Episcopalians in Edinburgh under one Bishop, who was in all respects to be on the same footing, as you know, with his Brethren in Scotland, deriving his spiritual authority from the same source, and exercising it in the same *limited* manner as they now do, *over those who choose to acknowledge it, and over those only.*" † And the same Bishop, writing to Mr. Dundas, in the year 1788, requested, as the "humble wishes" of himself and colleagues, "only to be put upon an equal footing of protection and religious liberty with the other dissenters from the Scottish Establishment, particularly with those who have their orders from the Church of England." ‡

\* "Case of the Episcopal Clergy in Scotland, and the Laity of their Communion," as laid before Members of the British Legislature, in 1789, when relief was sought by the Scottish Episcopal Church from the penalties of former acts. *Vide* Skinner's Annals of Scottish Episcopacy, pp. 107, 108.

† Skinner's Annals, p. 269.

‡ *Ib.* p. 88.

That accordingly, in 1792, an Act was passed for the relief of the Scottish Episcopal Church, involving the condition, that the Thirty-nine Articles of the Church of England should be subscribed by its clergy. In 1804—that is, after twelve years' hesitation—this condition was said to have been fulfilled. It could not be considered as in reality fulfilled, because an ulterior standard of doctrine, over and above the Thirty-nine Articles, was recognised;—for Bishop Jolly, in his address to the Convocation, after referring to a little book called “A Layman's Account of his Faith and Practice as a Member of the Episcopal Church in Scotland, *published with the approbation of the Bishops of that Church,*” made the following proposition, which was unanimously agreed to:—“In adopting, therefore, the Articles of the United Church of England and Ireland as the Articles of our Church, *we must be candidly understood as taking them in unison with that book, and not thinking any expressions with regard to the Lord's Supper in the least inimical to our practice at the altar in the use of the Scottish Communion Office,*” &c.\* The terms of this subscription were concealed from the Church of England, Bishop Skinner merely informing her Prelates that the Bishops and Clergy of the Scottish Episcopal Church had met and given “a solemn declaration of their assent to the Thirty-nine Articles,” &c.†

Scottish Episcopal Church relieved, and reserved subscription of 39 Articles.

After this transaction, the Scottish Episcopal Communion resumed those privileges which the Legislature had never withheld from, but on the contrary had secured to, the Members of the Church of England in Scotland. English Episcopalians and the Scottish Episcopal body were now placed, in compliance with the prayer of the latter, on an equal footing of “protection and religious liberty” in Scotland. Nor has any subsequent Act of the Legislature altered the relative position of these two distinct Communion. The Act of 1840 merely removed from the Scottish Episcopal Clergy, as also from the Clergy of the Episcopal Church in the United

Condition of Scottish Episcopal Church, as affected by the Acts of 1792 and 1840.

\* Skinner's Annals, Appendix, p. 547.

† Ib., p. 350.

States of America, a disability legally attached to them when they happened to be in England. The Act of 1792, provided that no "Pastor or Minister of any order shall be capable of taking any benefice, curacy, or spiritual function within that part of Great Britain called England, the Dominion of Wales, or Town of Berwick-upon-Tweed, or of officiating in any church or chapel in either of the same, where the Liturgy of the Church of England, as now by law established, is used, unless he shall have been lawfully ordained by some *Bishop of the Church of England or of Ireland*;" whereas the Act of 1840, intituled, an "Act to make certain provisions and regulations in respect to the exercise, within England and Ireland, of their office by the Bishops and Clergy of the Protestant Episcopal Church in Scotland; and also to extend such provisions and regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of America," &c., modifies the restricting clause in the Act of 1792, to the extent of permitting the Scottish Episcopal Clergy to officiate "on any one or any two days, and no more," in England and Ireland, provided they obtain the leave of the Bishop of the Diocese.

Scottish  
Episcopal  
Church  
claims to re-  
present, and  
yet to be in-  
dependent of  
the Church  
of England.

That this body, the Scottish Episcopal Church, now claims to be the sole representative of the Church of England in Scotland, and yet declares itself to be independent of that Church. It legislates for itself, and passes canons binding upon its members without any stipulation that these shall be in conformity either with the Articles or the Canons of the Church of England.\* These canons are subject at any time to alteration at the discretion of a Synod of the Clergy. The lay members of this body are not allowed, as in the United Church of England and Ireland, a voice in its legislation. Laws, passed at any General Synod, may be thoroughly changed whenever the Bishops choose to convene another Synod. No confidence, therefore, can be placed in the stability of its discipline.

That this Church still further shows its distinctive character,

\* Code of Canons of the Scottish Episcopal Church. 1838. Canon xxxiii.

by maintaining a Liturgical Service which differs essentially from that authorized by the Church of England. The Scottish Episcopal body has adopted a "Communion Office" of modern date,\* which has been frequently altered to suit the opinions of individuals, and sets forth doctrines inconsistent with those of the English Prayer Book, and condemned by the 28th and 31st "Articles of Religion." Yet this office, *the text of which has never been canonically determined*, (and there are various editions which differ most materially from each other,) is declared by the Scottish Episcopal Canons to be of "PRIMARY AUTHORITY." It is used invariably in several of the chapels under Scottish Bishops, it is introduced alternately with the English office once every three months at Trinity College, recently established near Perth, by the Scottish Episcopal Church, and its use is imperative, under certain circumstances, even in those chapels where, on ordinary occasions, the English Service only is at present received. It has been adopted to the exclusion of the English Service, in the formation of congregations within the last few years. Indeed, the Scottish Bishops and their clergy esteem its preservation among them of so great importance that a minister in their Communion cannot become either a delegate to the General Synod, or a dean, or a bishop, unless he consents to partake of the Communion under this particular form.† This Church gives, therefore, the "uncertain sound" of two discordant Liturgies; and, assuredly, the spirit of its Canon Law is only to tolerate the English Reformed Liturgy, but to regard as of "primary authority" the Scottish Communion Office.

Scottish Episcopal Church sanctions a Communion Office distinct from, and inconsistent with, the English Prayer Book.

That your petitioners have no wish to interfere with the worship of the Scottish Episcopal Church, but they have to complain that they are subject to great hardship in the face of a just and favourable law. They are publicly held up by the Scottish Bishops as schismatics, and various means are employed to subvert their position as English churchmen by this very body, which, so long as it was depressed in the last cen-

Usurped authority over English Churchmen by Bishops of the Scottish Episcopal Church.

\* Last century. *Vide* various Editions, 1723, 1735, 1743, 1755, 1764, and, in the present century, 1801, 1842.

† Code of Canons, xxi.

tury, repeatedly averred that it sought only the same toleration then enjoyed by English Episcopalians, but which, not now content with the freedom obtained by the Act of 1792, makes use of the position it assumes, and of the circumstance of your Petitioners not having the advantage of efficient Episcopal superintendence, for the purpose of coercing and oppressing such ministers of the Church of England and Ireland as may enter Scotland to officiate in the chapels to which your Petitioners belong. The means systematically used to deter English clergymen from accepting the charge of English congregations in Scotland, are calculated to convey erroneous and injurious impressions to those living at a distance: and the effort is unceasingly made, not only to destroy the influence and invalidate the ministrations of these clergymen in Scotland, but also to prevent their appointment to any charge in England or Ireland, should they feel disposed to return to their own country. Several of the Scotch Bishops have recently issued official and public denunciations, having the *apparent* force of excommunications, against English ministers who, on conscientious grounds, have retired from further connexion with Scottish Episcopacy—in which, for example, the ministerial acts of such clergymen are declared to be “performed apart from Christ’s mystical body, wherein the one Spirit is,”—“faithful people” are exhorted to “avoid all communion” with them in “prayer and Sacraments.” They are pronounced to be in a state of schism, and members of the Church are warned, “as well as all Episcopalians elsewhere,” not to “give countenance” to them, lest they be “partakers with them in their sin,” &c. &c.\*

Rights of  
Petitioners  
endangered.

That these proceedings, so obviously in violation of the assurances given by the Scottish Bishops in the last century, and so inconsistent with the principle of toleration, and the rights conferred upon your Petitioners by Act of Parliament, exercise an influence which is injurious to the character of their ministers, and detrimental to their own interests. The

\* *Vide* Excommunications published by Bishops Skinner, Russell, and Low.

dislike which it produces in the minds of able and excellent Clergymen in England, to be exposed to the reproach and calumny they are sure to undergo if they take the charge of English Congregations in Scotland, does, in reality, present a very great barrier to the continued and full supply of duly qualified ministers, and is felt to be a serious grievance. In fact, whilst protected by the Law of Toleration, a species of ecclesiastical persecution exists, which has a direct tendency to deprive your Petitioners of the privilege of serving God according to their own conscience.

That your Petitioners continue deeply attached to the United Church of England and Ireland, and earnestly desire to adhere to her communion. They also steadily refuse, on conscientious principles, to join the Scottish Episcopal body, or to acknowledge the jurisdiction of its Bishops over the Clergy of the English Chapels in Scotland. They refuse membership with a Church which has no right to demand their allegiance, or to interfere with their liberty, and whose uncertain Canons, irregular discipline, and peculiar "Communion Office," distinctly prove, that, as a voluntary and independent body, it is foreign in doctrine, in constitution, and character to the Church of which alone they are members. The Scottish Bishops, as appears in many of their recent documents, do indeed call themselves Bishops of the respective Dioceses into which they divide Scotland, and, under this erroneous view of their position, they attempt to make it be popularly supposed that they are entitled to territorial jurisdiction, and so to extend their power beyond the Congregations committed to their oversight. The following extract, from a recent judicial Denunciation of an Irish Clergyman, for having "thrown off," as is said, "his allegiance to the Scottish Episcopal Church," plainly indicates the grievance of which your Petitioners complain:—"It is earnestly hoped," says Bishop Low, who, in the document conveying the Denunciation, styles himself, "*Diocesan of Moray, Ross, and Argyll*," "that no Bishop of the United Church of England and Ireland, or of the Protestant Episcopal Church in America, will receive any Clergymen

Petitioners  
refuse to acknowledge  
the jurisdiction  
of  
Bishops of  
the Scottish  
Episcopal  
Church.

who have officiated in Scotland, without Letters Testimonial from the Diocese where they have last served in this country." \* Such is the unwarrantable position assumed, and the undue interference attempted,—whereas the Bishops in the Scottish Episcopal Church are, in the Act of 1840—the only statute which designates them—merely recognized as Bishops "residing and exercising Episcopal functions within some district or place in Scotland." The supreme Court of Scotland has long since ruled, that the Bishops of the Scottish Episcopal Church cannot appear as *Bishops of Dioceses* in any Court of Law † and, more recently, the highest judicial authority in England has indicated an opinion, that this body belongs to the "dissenting interests in Scotland;" and another high legal authority has stated, "it is merely a persuasion that is tolerated." ‡ These Bishops, therefore, are not justified in assuming titles of dignity, or adopting proceedings which involve the claim of territorial jurisdiction, and they can have no authority except over those who choose to attach themselves to their Communion. Your Petitioners acknowledge the authority of Bishops in their own Church, and they would rejoice to obtain, in common with other Congregations of the Church of England and Ireland, as their most efficient protection, the benefit of adequate Episcopal superintendence.

Object of  
Petitioners.

That your petitioners respectfully urge upon your Lordships the claim which they have, equally with other members of the Church of England in different parts of the world, to all possible encouragement and support. That they have not hitherto insisted upon what they believe to be their right, has not arisen from any undervaluing of that support, but because,

\* Excommunication published by Bishop Low.

† Case of Bishop Abernethy Drummond *versus* James Farquhar. The Court of Session decided that the pursuer had no *persona standi*, or title to pursue in the character of a Bishop. The judgment was, "appoints the designation assumed by the pursuer to be erased from the summons as not recognised by the Court." 6th July, 1809.

‡ See Judgment, House of Lords, Principal and others of Glasgow College. 26th July, 1848.

until recently, circumstances did not exist in Scotland of such a character as to bring the question of their right prominently forward. While, therefore, they have referred to the proceedings of the Scottish Episcopal Church, they do not allude to these with the remotest desire that your Lordships should interfere to put any restraint whatever upon the members of that Church in connexion with its discipline or practice, but simply, as illustrating the fact, that the time has now arrived when your Petitioners can no longer delay, in justice to themselves and to the interests of their Church in this country, to claim such privileges as they believe themselves to be entitled to share with all other members of the Church of England. They have no desire to interfere directly or indirectly with the movements of the Scottish Episcopal body; they are quite satisfied that her members should be left at perfect liberty to issue excommunications, or otherwise to assert their principles; but your Petitioners respectfully submit, that, as members of the Church of England, it has now become necessary that they should be put upon such a footing in this country as to give them all the advantages of the discipline of their own Church, and this is the object of the present application to your Lordships.

May it therefore please your Lordships, to provide that all Clergymen of the Church of England or Ireland, on being appointed to English Chapels in Scotland, may be inducted to the charge of their Congregations simply as such, either by His Grace the Archbishop of Canterbury, or by the respective Bishops from whom they received ordination, whether in England or Ireland: Or, may it please your Lordships to sanction and recommend periodical visitations of English Congregations in Scotland, by certain Bishops of the Church of England and Ireland,—not as legally exercising any territorial jurisdiction in Scotland, but as ecclesiastically exercising their Episcopal functions in the Congregations which



stand in need of their assistance, especially in the ordination of Ministers and the rite of confirmation : Or, may it please your Lordships to adopt any other course of proceeding which to your Lordships may appear most expedient, for the purpose of placing your Petitioners on such a footing in this country as to give them all the advantages of the discipline of their own Church.

And your Petitioners will ever pray, &c.

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